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**Subject:** Sheldon Silver Winds Up With 6½-Year Prison Term

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 Law360 New York

NEW YORK

Tuesday, July 21, 2020

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## TOP NEWS

### Sheldon Silver Winds Up With 6½-Year Prison Term

More than four years after he was first sentenced to 12 years in prison on corruption charges, former New York State Assembly Speaker Sheldon Silver on Monday was resentenced to a 6½-year term, in a rejection of his bid for home confinement.

[Read full article »](#)

### For Attys, Flexible Work Arrangements May Be Here To Stay

When COVID-19 hit the U.S. in March, law firms grappled with office closures and remote-work arrangements to comply with local stay-at-home orders. Four months later, many attorneys seem to have adapted to working from home and may not need to return to the office anytime soon, experts said during a panel discussion Monday.

[Read full article »](#)

### Ex-Fox News Host Accused Of Rape In New Harassment Suit

Fox News fired a producer after she was allegedly raped by ousted host Ed Henry and complained about toxic workplace culture, while a female guest lost out on a full-time job after refusing an advance from Tucker Carlson and enduring harassment by Sean Hannity, according to a lawsuit filed Monday.

*Complaint attached* | [Read full article »](#)

### 2nd Circ. Upholds Turkish Banker's Conviction

The Second Circuit upheld a Turkish banker's conviction for evading U.S. sanctions on Iran, saying in a Monday opinion that strong evidence supported the jury verdict, even if one of the government's charging theories missed the mark.

*Opinion attached* | [Read full article »](#)

### Showtime Beats Cayuga Nation's 'Billions' Defamation Suit

A New York judge has tossed a defamation suit by the Cayuga Nation and a council member over what they called a negative portrayal of the tribal official in an episode of Showtime's fictional show "Billions," saying they hadn't shown the character was based closely enough on the council member.

*Opinion attached* | [Read full article »](#)

### Sens. Moving Forward On Bill With 65 New Fed. Judgeships

Two Republican senators are putting the finishing touches on a bill that would create 65 new district judgeships, a move that would fulfill the federal

 Law360 Practice Groups of the Year

## LAW FIRMS

Alva & Gleizer  
Arnold & Porter  
Barclay Damon  
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Berke-Weiss Law PLLC  
Boies Schiller  
Cleary Gottlieb  
Covington & Burling  
Cravath Swaine  
Davis Wright Tremain  
Debevoise & Plimpton  
Dechert  
Dentons  
Diserio Martin  
Earthjustice  
Eisenberg & Baum  
Garces & Grabler  
Ghidotti Berger  
Gibbons PC  
Goldberg & Iryami  
Goodwin  
Harvey & Binnall  
Haynes & Boone

judiciary's recommendation for addressing shortages in overworked courts across the country.

*1 document attached* | [Read full article »](#)

**23 AGs Challenge Rollback Of Transgender Health Protections**

A coalition of 23 Democratic attorneys general sued the Trump administration Monday over a rule eliminating civil rights protections for transgender people under the Affordable Care Act, arguing the rule ignored the U.S. Supreme Court's landmark decision extending Title VII protections to LGBTQ workers.

*2 documents attached* | [Read full article »](#)

**REAL ESTATE & DEVELOPMENT**

**5Pointz Owner Tells High Court Art Law Is Unconstitutional**

A New York City real estate developer who destroyed a famed graffiti space known as 5Pointz asked the U.S. Supreme Court on Monday to strike down as unconstitutional a federal law that protects works of art from harm.

*Petition attached* | [Read full article »](#)

**ENERGY & ENVIRONMENTAL**

**EPA Escapes Long Island Sound Dumping Grounds Suit**

The U.S. Environmental Protection Agency acted within its rights when designating an area of eastern Long Island Sound as a dumping ground for dredged materials in a long-term plan for the region, a New York federal judge ruled.

*Order attached* | [Read full article »](#)

**Federal Coal Lease Ban Should Be Reinstated, AGs Say**

Several state attorneys general, environmentalists and a Native American tribe on Monday regrouped and took another stab at attempting to revive an Obama-era moratorium on federal coal leasing after a federal judge recently shot down their initial attempt.

*2 documents attached* | [Read full article »](#)

**EMPLOYMENT**

**WeWork Fights Atty's Bid To Appeal Arbitration Ruling**

A New York federal judge should reject a former WeWork attorney's bid to appeal a decision that the federal arbitration law trumps the state's arbitration rules on allegations of discrimination, as the question is not "exceptional," the shared workspace company has argued.

*Memorandum attached* | [Read full article »](#)

**SECURITIES & WHITE COLLAR**

**SEC Seeks Sanctions For CEO Of Memorabilia Biz**

The U.S. Securities and Exchange Commission asked a New York federal judge Friday to sanction the CEO of a sports memorabilia auction company and his wife for violating a temporary restraining order in a multimillion-dollar fraud suit, saying the couple covertly transferred cash from the U.S. to Russia, perpetrated two insurance fraud schemes and destroyed communications at the center of the schemes.

*Memorandum attached* | [Read full article »](#)

**Textron Escapes Investor Suit Over Arctic Cat Buy**

Textron Inc. slipped a proposed securities class action Monday after a New York federal judge found that its shareholders hadn't properly alleged a single

Herrick Feinstein  
Hodgson Russ  
Hogan Lovells  
Jenner & Block  
Jones Day  
Kaplan Fox  
Kirkland & Ellis  
Klestadt Winters  
Kobre & Kim  
Law Offices of Tim Powers  
Levi & Korsinsky  
Linklaters  
McCarter & English  
McCulley McCluer  
McDermott Will  
Morgan Lewis  
Norris McLaughlin  
Orrick  
Palazzo Law Firm  
Parker Ibrahim  
Paul Weiss  
Peiffer Wolf  
Petrillo Klein  
Rottenberg Lipman  
Schneider Wallace  
Selendy & Gay  
Shearman & Sterling  
Sullivan & Worcester  
Vinson & Elkins  
Weitz & Luxenberg  
Wigdor LLP  
Wilkinson Walsh  
WilmerHale  
Winston & Strawn  
Ziontz Chestnut  
Zumpano Patricios

**COMPANIES**

Advanced Micro Devices Inc.  
American Bar Association  
Apple Inc.  
Arctic Cat Inc.  
Banco Santander SA  
Bank of America Corp.  
Barclays PLC  
Celgene Corp.  
Center for Biological Diversity  
Chevron Corp.  
China International Economic and Trade Arbitration Commission  
Citigroup Inc.

misrepresentation regarding Textron's purchase of a snowmobile company in 2017.

*Opinion attached* | [Read full article »](#)

## GOVERNMENT CONTRACTS

### Judge Says DOD Freight False Claims Suit Should Proceed

A New York federal magistrate judge recommended that most of the U.S. Department of Defense's allegations in a False Claims Act suit accusing a freight carrier of systematically overcharging the department move forward, while refusing to transfer the case.

*Report attached* | [Read full article »](#)

## BANKRUPTCY

### Cancer Center Beats Ex-Lobbyist's \$6M Claim At 2nd Circ.

The Second Circuit on Monday upheld a bankruptcy court finding that an ex-lobbyist for 21st Century Oncology Holdings Inc. is not owed \$7 million in bonus pay, saying the letter of the law allows the bankrupt cancer chain to cap his bonus.

*Opinion attached* | [Read full article »](#)

## BANKING

### \$12.6M Deal In Forex Rigging Suit Gets Initial OK

A \$12.6 million allocation plan between a class of investors and several major banks including JPMorgan Chase & Co., Standard Chartered PLC and Bank of America Corp. got preliminary approval by a New York federal judge to resolve foreign exchange market rigging claims against the financial institutions.

*Order attached* | [Read full article »](#)

## TAX

### NYC Biz Execs Oppose Competitive Regional Tax Incentives

New York City business leaders asked political leaders Monday to consider cutting tax subsidies, ending regional tax incentive competition and eliminating commercial rent taxes on some businesses in light of the economic hit caused by the COVID-19 pandemic.

*Report attached* | [Read full article »](#)

## PROJECT FINANCE

### Vale Wins Bid For Docs In \$500M Guinean Mining Project Fight

A New York judge on Monday allowed Brazilian mining company Vale SA to seek information on the whereabouts of \$500 million it invested in a doomed Guinean mining project to be used in U.K. litigation accusing Israeli billionaire Beny Steinmetz of fraudulently inducing it to enter into the venture.

*Order attached* | [Read full article »](#)

## IMMIGRATION

### NYCLU Sues For Info On Child Refugee Atty Policy Change

The New York Civil Liberties Union filed a freedom-of-information suit Monday seeking details from the Trump administration about what the rights group calls a stealth move to cut back on access to lawyers for unaccompanied immigrant children in federal custody.

*Complaint attached* | [Read full article »](#)

Dell Technologies Inc.

Deutsche Bank AG

El Paso Corporation

FedEx Corp.

Federation for American Immigration Reform

FibroGen Inc.

Ford Motor Co.

Fordham University

Fox News Network LLC

Henry Schein Inc.

Hertz Global Holdings Inc.

ICAP

Immigration Reform Law Institute

Intel Corp.

JPMorgan Chase & Co.

Los Angeles Dodgers

Mylan NV

National Women's Law Center

New York City Bar Association

New York Civil Liberties Union

Nike Inc.

Partnership for New York City

Pivotal Software Inc.

QUALCOMM Inc.

RFR Realty LLC

Roku Inc.

Santander Investment Securities Inc.

Servotronics Inc.

Showtime Networks Inc.

Sierra Club

Southern Poverty Law Center

Standard Chartered PLC

State Bar of California

Sunoco LP

TD Ameritrade Holding Corp.

Tencent Holdings Ltd.

Textron Inc.

The Boeing Co.

The Coca-Cola Co.

The Walt Disney Co.

Thoratec Corporation

Twitter Inc.

Vale SA

WeWork Co. Inc.

Witkoff Group

YRC Freight Inc.

## GOVERNMENT AGENCIES

Administration for Children and Families



## NATIVE AMERICAN

### Native Cig Co. Says NY Judge Should Snuff Out State's Suit

King Mountain Tobacco Co. has opposed the state of New York's request that a federal court keep jurisdiction over the state's suit against the Native American tobacco maker, saying claims King Mountain might have resumed shipping illegal cigarettes to New York are "flatly wrong."

*1 document attached* | [Read full article »](#)

## EXPERT ANALYSIS

### Despite 2nd Circ. Ruling, Discovery Statute's Reach Grows

The Second Circuit's recent *Guo* ruling barring the use of cross-border discovery under Section 1782 in private, international commercial arbitration is the exception to the rule of broad circuit-level interpretation as this statute becomes an increasingly powerful tool for litigators, say attorneys at Dechert.

*Opinion attached* | [Read full article »](#)

### Mediator Confidentiality Promises Carry Serious Risks

A mediation agreement that promises to keep evidence confidential could result in a legal malpractice case for the mediator, and the risk has increased in the COVID-19 era of online sessions, says mediator Jeff Kichaven.

[Read full article »](#)

## LEGAL INDUSTRY

### 'Men's Rights' Atty Named As Killer Of Federal Judge's Son

The deceased gunman suspected of killing U.S. District Judge Esther Salas' son and wounding her husband at their New Jersey home was identified Monday as Roy Den Hollander, a solo "men's rights" attorney who has argued before her, according to the FBI and U.S. attorney's office.

[Read full article »](#)

### Judge Whose Son Was Gunned Down Made History In NJ

U.S. District Judge Esther Salas, whose son was killed and husband wounded in a shooting at their New Jersey home Sunday, has had a history-making judicial career marked by some of the most high-profile cases in the Garden State, including a recent suit against Deutsche Bank AG over its ties to millionaire sex offender Jeffrey Epstein.

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#### Analysis

### Salas Attack Highlights Importance Of Judicial Security

Past violent attacks on judges and their families have spurred attempts to address weaknesses in judicial security, but following a fatal shooting at the home of U.S. District Judge Esther Salas in New Jersey on Sunday, experts say that even more can be done to ensure the safety of judges and those close to them.

[Read full article »](#)

### Haynes And Boone Eyes Expansion With New Leader

A new managing partner will take the helm at Haynes and Boone LLP in January as the Texas-based firm sets lofty goals to expand at home in Texas and in its national and international offices, the firm announced Monday.

[Read full article »](#)

### Coca-Cola, Ford Each Name New General Counsel

Bureau of Citizenship and Immigration Services  
Bureau of Land Management  
California Supreme Court  
Confederated Tribes and Bands of the Yakama Nation  
European Commission  
Executive Office for Immigration Review  
Federal Bureau of Investigation  
Georgia Supreme Court  
Judicial Conference of the United States  
New York Attorney General's Office  
New York City Council  
New York State Assembly  
Northern Cheyenne Tribe  
U.S. Army  
U.S. Army Corps of Engineers  
U.S. Attorney's Office  
U.S. Coast Guard  
U.S. Court of Appeals for the District of Columbia Circuit  
U.S. Court of Appeals for the Fifth Circuit  
U.S. Court of Appeals for the Ninth Circuit  
U.S. Court of Appeals for the Second Circuit  
U.S. Court of Appeals for the Tenth Circuit  
U.S. Department of Defense  
U.S. Department of Health and Human Services  
U.S. Department of Justice  
U.S. Department of the Interior  
U.S. District Court for the Central District of California  
U.S. District Court for the District of Delaware  
U.S. District Court for the Eastern District of New York  
U.S. District Court for the Eastern District of Texas  
U.S. District Court for the Southern District of New York  
U.S. District Court for the Western District of New York  
U.S. District Court for the Western District of Texas  
U.S. Environmental Protection Agency  
U.S. Navy

The Coca-Cola Co. and Ford Motor Co. announced Monday that they will both have new general counsel, with the automotive giant's top attorney shifting over to the beverage company.

[Read full article »](#)

### **Gun-Toting St. Louis Attys Charged Over Anti-Protest Standoff**

Husband-and-wife attorneys who run a prominent St. Louis personal injury firm were charged with a felony apiece in Missouri state court Monday as prosecutors say they brandished an assault rifle and a handgun while confronting protesters marching outside their home last month.

[Read full article »](#)

### **Allow Menstrual Products At Bar Exam, Thousands Tell NCBE**

Thousands of law professors, lawyers and law students on Monday urged the National Conference of Bar Examiners to clarify that examinees must be permitted to bring menstrual products to the Multistate Bar Examination, characterizing some states' practice of banning them as "illogical" and "shaming."

[Read full article »](#)

### **Ga. Is Latest State To Delay Bar Exam And Move Online**

Georgia's high court on Monday canceled the in-person bar examination scheduled for September and moved the test online, joining a growing list of states that have changed plans for the exam as a result of COVID-19.

[Read full article »](#)

### **Survey Finds Most Judges Say Systemic Racism Is An Issue**

A National Judicial College poll released Monday found that 65% of the judges who responded believe systemic racism is part of the U.S. criminal justice system, with many leaving comments that suggested the problem was one the judiciary should be paying close attention to.

[Read full article »](#)

### **2 Ex-High Court Clerks Exit BigLaw For The MacArthur Center**

The appellate practices at Orrick and Jenner & Block each lost a former Supreme Court clerk this month to the MacArthur Justice Center, a Chicago public interest law firm aimed at criminal justice reform.

[Read full article »](#)

### **Flynn Says Trial Judge 'Hijacked' Case With En Banc Bid**

President Donald Trump's former national security adviser Michael Flynn accused a federal judge Monday of hijacking his criminal prosecution by refusing to immediately grant the government's request to end his case and urged the full D.C. Circuit to allow a recent ruling ordering his case's dismissal to stand without a review.

[Read full article »](#)

### **Avenatti Is Out Of Money For Legal Fees, Lawyer Says**

Michael Avenatti is out of money and can't afford the legal fees for his upcoming embezzlement trial, his counsel told a California federal judge over the weekend, asking to continue representing the embattled attorney on a publicly funded basis.

[Read full article »](#)

### **Expert Witness Sues Levi & Korsinsky For Unpaid Fees**

Securities and consumer litigation law firm Levi & Korsinsky LLP has not paid a financial industry consulting firm for its work as an expert witness in a proposed class action against TD Ameritrade Inc. and has refused to respond to a demand for arbitration, according to a suit filed in Connecticut state court.

[U.S. Securities and Exchange Commission](#)

[U.S. Supreme Court](#)

[United States District Court for the District of Montana](#)

[Read full article »](#)

## **Ex-FAIR Research Director Among 46 New Immigration Judges**

Former immigration judges said Monday that the Trump administration's recent appointments of 46 immigration judges are "a fraud on American justice" and that the appointment of a former leader of an immigration restrictionist organization will make it "impossible for one to receive a fair hearing."

[Read full article »](#)

### **Interview**

## **15 Minutes With Geometer's Chief Legal Officer**

After in-house stints at EMC and a cloud software company spun out by Dell EMC and VMware, Andrew Cohen earlier this year helped establish a software incubator that dedicates a quarter of its projects to furthering the social good. Here, the head lawyer shares more about the challenges at Geometer, and the ways he has seen the general counsel role change.

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