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**To:** <[REDACTED]>

**Subject:** Judges Call Emergency Meeting After Stone Sentencing Swap

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 Law360 Public  
Policy

**PUBLIC POLICY**

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Wednesday, February 19, 2020

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## TOP NEWS

### Judges Call Emergency Meeting After Stone Sentencing Swap

A national association of federal judges has scheduled an emergency meeting for Wednesday afternoon to discuss interference from the Trump administration and Attorney General William P. Barr in politically sensitive cases, following the sentencing upheaval in the criminal case against Trump ally and longtime Republican political operative Roger Stone.

[Read full article »](#)

### Kan. Judge Sanctioned For Sexual Harassment To Resign

A Kansas federal judge informed President Donald Trump on Tuesday that he planned to step down, giving notice five months after he was reprimanded amid allegations he sexually harassed judiciary employees, had an affair with a felon and routinely showed up late to court.

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

### USPTO Walks Back Trademark Email Rule

The U.S. Patent and Trademark Office has modified a controversial new rule that requires trademark owners to post their email addresses on a public database, aiming to mollify concerns that the rule could help scammers.

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

### Trump Commutes Ex-Ill. Gov. Blagojevich's 14-Year Sentence

President Donald Trump commuted Rod Blagojevich's 14-year prison sentence Tuesday, clearing the way for the former Illinois governor to leave prison about four years before his scheduled release date.


[Read full article »](#)

### Gov't Waives Contracting Laws To Speed Up Border Wall

The Trump administration said Tuesday that it will waive federal procurement laws to speed up construction of a wall along the U.S.-Mexico border, citing high levels of unauthorized border crossings and drug trafficking.

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

### EPA Internal Watchdog Says Mexico Border Program Failing

 Law360 Practice Groups of the  
Year

#### LAW FIRMS

Aidala Bertuna  
Akin Gump  
Austin LLP  
BakerHostetler  
Bradley Arant  
Bruce S. Rogow PA  
Buschel & Gibbons  
Cleary Gottlieb  
Clifford Chance  
Cohen Milstein  
Cooch and Taylor  
Cooley  
Cravath Swaine  
DLA Piper  
Dentons  
Earthjustice  
Epstein Becker Green  
Fenwick & West  
Fisher Phillips

The internal watchdog arm of the U.S. Environmental Protection Agency released a report on Tuesday that criticized the regulator for shortcomings in monitoring and implementing a bilateral program with Mexico aimed at protecting the environment along the border.

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

### **DC Circ. Wary That House Can't Sue Prez Over Funding Rows**

The D.C. Circuit hammered the Trump administration Tuesday over its position that the House of Representatives could never sue the executive branch over funding disputes, slinging out a series of hypotheticals to test the argument.

[Read full article](#) »

## **BANKING & SECURITIES**

### **NCLA Backs Adviser's 11th Circ. Challenge Of SEC Judges**

The New Civil Liberties Alliance has thrown its support behind another challenger to the constitutionality of the U.S. Securities and Exchange Commission's administrative law judges, this time in the Eleventh Circuit.

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

### **Bloomberg Proposes Wall Street Tax, Student Debt Relief**

Democratic presidential hopeful Michael Bloomberg unveiled a plan Tuesday that would impose a 0.1% tax on all financial transactions and make it easier for college students to obtain student-loan debt relief.

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

## **ENERGY & ENVIRONMENTAL**

### **SC Remains In Fight Against Offshore Seismic Testing**

A federal judge on Tuesday kept South Carolina in litigation challenging oil- and gas-related seismic testing off the Atlantic Coast and President Donald Trump's pro-drilling executive order, saying the state's case resembles litigation in Alaska where a judge invalidated portions of that executive order.

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

### **Enviros Say Species Are At Risk Under New Water Rule**

The Trump administration illegally ignored the potential impact to endangered species of a new water regulation that narrows the federal government's permitting authority under the Clean Water Act, environmental groups said Tuesday.

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

## **HEALTH & LIFE SCIENCES**

### **GOP States Urge High Court To Skip ACA Row — Or Nuke Law**

If the U.S. Supreme Court agrees to hear an appeal by Democratic officials to protect the Affordable Care Act, it should find that the law is unconstitutional, Republican state attorneys general told the high court in a new petition.

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

## **IP & TECHNOLOGY**

### **AI Offers 'Substantial' Pros At USPTO, But Not Without Risks**

The U.S. Patent and Trademark Office has been experimenting with using artificial intelligence during examinations, and while there are "substantial" benefits to such automation, a report released Tuesday said it raises risks about due process and labor.

Fox Rothschild  
Gibson Dunn  
Gray Reed  
Gunderson Dettmer  
Hogan Lovells  
Honigman LLP  
Hull Barrett  
Jenner & Block  
Jones Day  
Kellogg Hansen  
Keogh Law Ltd.  
Kilpatrick Townsend  
Kirkland & Ellis  
Latham & Watkins  
Lawyers' Committee for Civil Rights  
Levi & Korsinsky  
Linklaters  
Littler Mendelson  
Lynn Pinker  
Maduegbuna Cooper  
Manatt Phelps  
McDermott Will  
McGuireWoods  
Morgan Lewis  
Morris James  
Morris Nichols  
Morrison & Foerster  
Munger Tolles  
Munsch Hardt  
Orrick  
Paduano & Weintraub  
Porter Wright  
Reed Smith  
Richards Layton  
Ropes & Gray  
Rudman & Winchell  
Sanford Heisler  
Shearman & Sterling  
Sidley Austin  
Siebman Forrest  
Silicon Legal Strategy  
Skadden  
The Consumer Protection Firm  
Underwood Perkins  
Vinson & Elkins  
Weil Gotshal  
White & Case  
WilmerHale  
Wilson Sonsini

## EMPLOYMENT

### Restaurant Groups Can't Upend NYC Fair Workweek Law

A New York judge on Tuesday held that New York City's Fair Workweek Law requiring fast-food businesses to give employees a two-week advance notice of work schedules is valid, rejecting a challenge by several restaurant industry groups that claimed it was preempted by state law.

[Read full article »](#)

## COMPETITION

### NY Won't Appeal T-Mobile/Sprint Merger Challenge Loss

A contingent of state-level enforcers challenging T-Mobile's purchase of Sprint has lost one of its leaders, as New York's attorney general said her office will not appeal a New York federal court ruling refusing to block the planned \$56 billion merger.

[Read full article »](#)

### Former Teva Exec Calls AGs' Price-Fixing Claims 'Threadbare'

A former Teva executive has urged a Pennsylvania federal judge to toss price-fixing accusations against her from a coalition of 44 state attorneys general as part of multidistrict litigation alleging industrywide price-fixing by generic-drug makers, blasting the claims as "threadbare."

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

## CYBERSECURITY & PRIVACY

### Texas Judge Rules Huawei Contracting Ban Is Constitutional

A Texas federal judge has tossed Huawei's challenge to a law barring federal agencies from buying products made by the Chinese telecommunications equipment giant, ruling Tuesday that the ban does not unconstitutionally punish the company.

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

### 11th Circ. Pressed To Reconsider Shrinking TCPA's Reach

A consumer who lost her appeal alleging Hilton Grand Vacations violated the Telephone Consumer Protection Act with millions of automated telemarketing calls asked the Eleventh Circuit to reconsider the ruling, arguing in a brief last week that the decision bucks Congress' intent.

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

### Internet Providers Sue Maine Over Data Privacy Restrictions

Several national trade groups representing internet service providers are suing state officials in Maine federal court over a consumer privacy law enacted in 2019, saying it ventures far afield of its stated goal of protecting users' sensitive data.

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

## INTERNATIONAL TRADE

### US Sanctions Russian Energy Broker Over Venezuela Ties

The Trump administration on Tuesday sanctioned a subsidiary of Russian energy giant Rosneft for continuing to broker sales of Venezuelan oil in defiance of a U.S. commercial embargo against the Venezuelan government.

[Read full article »](#)

### ITC To Probe Economic Effect Of Renewable Energy In Mass.

## COMPANIES

AT&T Inc.

Albertsons Companies LLC

Allergan PLC

Alvarez & Marsal Holdings LLC

American Bar Association

B.C. Strategy Ltd.

Bipartisan Policy Center

Boston Heart Diagnostics Corp.

Boy Scouts of America

Breckenridge Pharmaceutical Inc.

CTIA

Center for Biological Diversity

Cisco Systems Inc.

Conference of State Bank

Supervisors

Court Square Capital Partners LP

DISH Network LLC

Defenders of Wildlife

Deutsche Telekom AG

EisnerAmper LLP

Facebook Inc.

Financial Times Group Ltd.

Google Inc.

Hilton Worldwide Inc.

Huawei Technologies Co. Ltd.

ISN Software Corp.

Imperva Inc.

International Business Machines Corp.

International Franchise Association

Johnson & Johnson

Lannett Company, Inc

LinkedIn Corp.

Los Angeles Times

Mylan NV

Natural Resources Defense Council

New Civil Liberties Alliance

New Jersey State Bar Association

New York State Bar Association

New York University

Nike Inc.

Northeastern University

Novartis AG

PG&E Corp.

Parker Drilling Company

Pennsylvania Bar Association

Pfizer Inc.

Pogue Construction



The U.S. International Trade Commission is investigating the impact of renewable energy imports on Massachusetts' economy, according to a Federal Register notice to be published Wednesday.

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

## TAX

### EU Adds Cayman Islands, 3 Others To Tax Haven Blacklist

The European Union Tuesday added the Cayman Islands and three other jurisdictions to the list of countries it considers uncooperative on tax matters, ending days of speculation about which territories would be on the updated blacklist.

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

## BANKRUPTCY

### Boy Scouts Of America Driven To Ch. 11 By Sex Abuse Claims

Citing a \$150 million — and rising — burden of settlements with victims of alleged sexual abuse, the Boy Scouts of America sought Chapter 11 protection in Delaware early Tuesday, proposing a long-term “mass tort” compensation structure similar to that used for asbestos claims.

[Read full article »](#)

## IMMIGRATION

### DHS, USCIS Sanctioned For Wrongly Removing Immigrants

The U.S. Department of Homeland Security and U.S. Citizenship and Immigration Services have been sanctioned for violating a preliminary injunction in California federal court after they failed to warn a class of young immigrants that U.S. Immigration and Customs Enforcement was removing five of its members from the country.

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

### Dems Slam Plan To Send Tactical Agents To 'Sanctuary' Cities

Top House Democrats on Tuesday slammed the Trump administration's plans to send Border Patrol officers with tactical training to cities that limit local cooperation with federal immigration authorities, in an escalation of the administration's battle against so-called “sanctuary” policies.

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

## WHITE COLLAR

### Trump Pardons Ex-NYPD Chief Kerik On Tax Fraud Conviction

President Donald Trump on Tuesday pardoned former New York Police Department commissioner and onetime Homeland Security chief nominee Bernard B. Kerik, who was convicted of tax and other crimes.

[Read full article »](#)

## TELECOMMUNICATIONS

### Starks Says FCC's Latest Diversity Data Falls Short

The FCC has released a fresh round of data on the demographics of broadcast station owners, prompting Democratic FCC Commissioner Geoffrey Starks to criticize a lack of movement on increasing diversity since the agency studied the subject five years ago.

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

## EXPERT ANALYSIS

PricewaterhouseCoopers International Ltd.

Purdue Pharma LP

Rocket Software Inc.

San Francisco 49ers

Sierra Club

Southern Environmental Law Center

Stats LLC

Sutter Health

T-Mobile US Inc.

Teva Pharmaceutical Industries Ltd.

Texas Public Policy Foundation

The New York Times Co.

Thoma Bravo LLC

Ticketmaster Entertainment, Inc.

TitleMax

TransPerfect Global Inc.

Twitter Inc.

USA Today International Corp.

United States Telecom Association

Venmo LLC

Yahoo! Inc.

YouTube Inc.

ZTE Corp.

Zeughauser Group LLC

## GOVERNMENT AGENCIES

Administrative Conference of the United States

Bureau of Citizenship and Immigration Services

California Public Utilities Commission

Centers for Medicare & Medicaid Services

Consumer Financial Protection Bureau

Delaware Court of Chancery

Equal Employment Opportunity Commission

European Commission

European Union

Executive Office of the President

Federal Bureau of Investigation

Federal Bureau of Prisons

Federal Communications Commission

Federal Trade Commission

Fish and Wildlife Service

Illinois General Assembly

Illinois Supreme Court

## Opinion

### Trump Is Right About Stone Sentencing, For Wrong Reasons

President Donald Trump weighed in on Roger Stone's sentencing in an inappropriate way — and caused quite a commotion within the U.S. Department of Justice as a result — but he nonetheless was right to find the sentencing guidelines' recommendation shocking, say criminal defense attorney Alan Ellis and sentencing consultant Mark Allenbaugh.

[Read full article »](#)

### BIPA May Apply To Clearview AI's Creation Of Biometric Data

The resolution of recent cases in which IBM and Clearview AI created facial geometries from photographs they obtained from social media will show the extent to which the Illinois Biometric Information Privacy Act applies to these new technologies and uses of biometric data outside Illinois, say AI Fowerbaugh and Karen Borg of Porter Wright.

[Read full article »](#)

### Consumer Finance Poised For Greater Scrutiny From States

As state-level regulators step up consumer finance oversight to fill the void created by more restrained federal regulation in this area, financial institutions should keep an eye on developments and agencies in several key states, say attorneys at Hogan Lovells.

[Read full article »](#)

### What Health Care FCA Trends Tell Us About The Year Ahead

The U.S. Department of Justice showed more initiative in directly bringing health care-related False Claims Act cases despite a decrease in qui tam filings last year, and as scrutiny of the industry continues to rise, several sectors deserve to be watched carefully this year, say attorneys at Epstein Becker.

[Read full article »](#)

## LEGAL INDUSTRY

### Analysis

#### ABA Says Industry Regs Need A Rethink, But Will It Matter?

The passage of a revised American Bar Association resolution intended to encourage a new look at legal industry regulation and increase access to justice represents a major step forward, even in the absence of any recommended changes on nonlawyer participation in the market, some experts say.

[Read full article »](#)

### These Firms Are Cleaning Up In Bull Market For VC, PE Deals

Some familiar names have landed the top spots among law firms for venture capital and private equity deals in 2019 with increases in the work they handled, thanks to an ongoing bull market and firms' growing strategy to specialize in that kind of high-value work.

[Read full article »](#)

### Analysis

#### Texas Firms Sell Recruits On Opportunity As BigLaw Invades

Texas law firms are staring down a parade of national and global firms entering the state's major markets whose pay offers they can't match, so they're selling new hires and lateral recruits on what they say is better opportunity and talent development.

[Read full article »](#)

### Bar Exam Pass Rate Surges To 80% For First-Time Test Takers

Internal Revenue Service  
International Trade Commission  
Massachusetts Division of Banks  
National Marine Fisheries Service  
New York Attorney General's Office  
New York State Department of Financial Services  
Securities and Exchange Commission  
Social Security Administration  
U.S. Army Corps of Engineers  
U.S. Attorney's Office  
U.S. Bankruptcy Court for the District of Delaware  
U.S. Court of Appeals for the Eleventh Circuit  
U.S. Court of Appeals for the Fifth Circuit  
U.S. Court of Appeals for the Third Circuit  
U.S. Customs and Border Protection  
U.S. Department of Defense  
U.S. Department of Health and Human Services  
U.S. Department of Homeland Security  
U.S. Department of Justice  
U.S. District Court for the District of Delaware  
U.S. District Court for the District of Maine  
U.S. District Court for the District of South Carolina  
U.S. District Court for the Eastern District of Pennsylvania  
U.S. District Court for the Eastern District of Texas  
U.S. District Court for the Northern District of California  
U.S. District Court for the Northern District of Illinois  
U.S. District Court for the Southern District of New York  
U.S. District Court for the Western District of Pennsylvania  
U.S. Environmental Protection Agency  
U.S. General Services Administration  
U.S. House of Representatives  
U.S. Immigration and Customs Enforcement  
U.S. Patent and Trademark Office  
U.S. Senate

Nearly 80% of first-time test takers who sat for the bar exam in 2019 passed, a nearly 5 percentage point increase from 2018, the American Bar Association said Tuesday.

[Read full article »](#)

### **Gag Order For Weinstein Attys As Jury Begins Deliberations**

A New York judge issued a gag order for defense counsel in Harvey Weinstein's rape trial Tuesday after the producer's lead attorney wrote an opinion piece in Newsweek that directly asked the jury to acquit him.

[Read full article »](#)

### **Judge Won't Delay Roger Stone's Sentencing**

A D.C. federal judge on Tuesday said she will sentence Roger Stone this week despite calls for a retrial from both the longtime Republican operative and President Donald Trump, but she noted she may delay imposing the terms until after she examines the merits of the retrial request.

[Read full article »](#)

### **Levi & Korsinsky Underpaid Female Atty, Sex Bias Suit Says**

A former Levi & Korsinsky LLP partner on Tuesday hit the plaintiffs' side securities firm with a sex discrimination suit alleging she was shorted on commissions and bonuses, had her cases reassigned to inexperienced male lawyers and was ultimately fired for speaking up about gender inequity.

[Read full article »](#)

### **MoFo 'Mommy Track' Bias Accusers Abandon Class Claims**

Two former Morrison & Foerster LLP attorneys accusing the firm of relegating them to the "mommy track" and eventually firing them after they had children have dropped their class action claims.

[Read full article »](#)

### **Fox Rothschild Looks To Sink Bulk Of Graphic Sex Bias Suit**

Fox Rothschild LLP and one of its former employment lawyers recently urged a New York federal judge to throw out most of a former legal aide's suit alleging the lawyer tried to rape her and sent her a slew of lewd pictures, with the attorney arguing that he engaged in a "consensual" relationship with the ex-aide.

[Read full article »](#)

### **Del. Justices Throw Out Richards Layton Malpractice Claims**

Acknowledging that statute of limitations laws impose harsh deadlines, the Delaware Supreme Court on Monday upheld the dismissal of a malpractice suit accusing Richards Layton & Finger PA of giving mistaken advice in 2012 and costing a software company \$67 million.

[Read full article »](#)

### **DOJ Taps Kirkland Atty To Monitor Live Nation Compliance**

The U.S. Department of Justice moved Tuesday to name Kirkland & Ellis LLP partner Mark Filip as monitoring trustee responsible for ensuring Live Nation and Ticketmaster abide by their merger approval deal, which was tweaked after the companies allegedly violated the settlement repeatedly.

[Read full article »](#)

### **BakerHostetler Adds Former DOJ Antitrust Official**

BakerHostetler said Tuesday it has hired a former official from the U.S. Department of Justice's Antitrust Division to focus on white collar and compliance issues, marking the firm's third recent hire in the competition and antitrust practice area.

[Read full article »](#)

[U.S. Sentencing Commission](#)

[U.S. Supreme Court](#)

## Staffing Co. For Clifford Chance Strikes Deal To End DOJ Case

A New York staffing firm has agreed to pay more than \$27,000 to resolve the U.S. Department of Justice's claims that it discriminated against foreign and dual citizens while helping international law firm Clifford Chance LLP staff a project, according to a settlement agreement published Tuesday.

[Read full article »](#)

### Interview

## 15 Minutes With The San Francisco 49ers' General Counsel

As the NFL is pulled into discussions about protests during the national anthem over police brutality and racial injustice, Hannah Gordon sees it as an "intellectually stimulating exercise" for the 49ers to help facilitate national conversations. Here, she discusses her involvement in this year's Super Bowl, and the ways she has seen the role of women in sports change.

[Read full article »](#)

### JOBS

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**Associate - Products Liability, Mass Torts and Consumer Class Actions (Wilmington, DE Office)**

McCarter & English, LLP  
Wilmington, Delaware

**Attorney - Assistant Attorney General - Public Access Bureau**

Illinois Attorney General's Office  
Chicago, Illinois

**Attorney - Assistant Attorney General - Public Access Bureau**

Illinois Attorney General's Office  
Springfield, Illinois

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