

Former White House Counsel Jack Quinn Joins Manatt in Washington

Manatt, Phelps & Phillips LLP announced that Jack Quinn has joined the firm's Washington, D.C., office as a partner in the litigation group and as chair of the firm's federal regulatory and government practice.

"Jack is a tremendous addition," said William T. Quicksilver, Manatt's chief executive officer and managing partner. "His experience both in and out of government adds a further dimension to our strong national practices, serving clients who face major crises that may involve litigation, regulatory, public policy or legislative elements. Companies and individuals under government scrutiny at all levels will benefit from his exceptional legal and crisis management counsel. Jack has honed truly extraordinary skills at the intersection of law, public policy, politics and communications, and his professionalism has earned him a great reputation and great relationships across partisan political divides."

In a news release, the firm said:

Immediately before joining Manatt, Quinn chaired Quinn Gillespie & Associates, a bipartisan public affairs firm he co-founded in 2000 to provide government relations and strategic communication services. His clients spanned the high tech, financial services and insurance, telecommunications, industrial and healthcare fields. In recent years, he also practiced law as a solo practitioner and served as co-counsel in major mass tort litigation.

"Jack is a Washington legend," said Douglas Boggs, Manatt's D.C. office administrative partner. "A definitive Capitol

insider, he knows the executive and legislative realms from the inside out. When trouble strikes, Jack is who you want to help navigate the regulatory and political shoals inside the Beltway. We are thrilled to welcome him to Manatt."

Quinn added, "I have long been an admirer of Manatt's unique approach – bringing top-tier lawyering, notably in the litigation group, together with astute business consulting and strategic advocacy. This seamless combination of disciplines mirrors my own career to this point, and allows the firm to provide particularly creative, highly effective solutions for clients. The energy and engagement here are infectious, and I look forward to working with this talented team."

Quinn's government service includes serving as counsel to the president of the United States. In that role, he advised President Bill Clinton and senior White House staff on the legal aspects of policy proposals, legislation, and certain classified and unclassified executive actions, as well as on investigations undertaken by both independent counsel and congressional committees. At the time of his appointment as White House counsel, Quinn was chief of staff and counselor to Vice President Al Gore.

Quinn practiced law at an Am Law 100 firm for more than 20 years. Early in his career, he worked on Capitol Hill, serving on staff for the U.S. Senate Select Committee on Nutrition and Human Needs and for a member of the Senate Finance Committee.

He has served on the boards of several companies, including Alternative Packaging Systems, The Water Company, Constellis Holdings Inc. (where he co-chaired the governance and compliance committee), the Philadelphia Stock Exchange, Fannie Mae and the Robert F. Kennedy Memorial.

After earning an undergraduate degree from Georgetown

University College of Arts and Sciences, Quinn received his J.D. from Georgetown University Law Center, where he was an editor of the Georgetown Law Journal.

[Energy Department Seeks Input on Regulatory Reform](#)

The Department of Energy has published a request for information soliciting guidance on potential regulations that should be modified or repealed to reduce burdens and costs, [reports K&L Gates](#).

“This is part of a government-wide initiative to overhaul the federal government’s regulatory regime, set in motion with an executive order signed by President Trump just after his inauguration. This RFI also comes after President Trump signed an executive order, ‘Promoting Energy Independence and Economic Growth,’ which seeks to review all regulatory actions that hamper the domestic production of fossil fuels and nuclear energy,” according to the article.

Authors [Tim L. Peckinpaugh](#), [David L. Wochner](#), [Kathleen L. Nicholas](#) and [David L. Benson](#) write that the RFI sets a July 14, 2017, deadline for public comment.

[Read the article.](#)

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Emoluments Clause Lawsuits Could Expose Trump Tax Filings

Lawsuits against President Trump for alleged violations of the foreign emoluments clause of the U.S. Constitution could result in the pretrial production of his personal tax returns, explains [Paul Barrett](#) for [Bloomberg Businessweek](#).

“The plaintiffs say one of their first steps will be to demand, via pretrial discovery, copies of Trump’s elusive personal tax filings,” Barrett writes. “How better to assess the scope of the president’s international business affairs—and perhaps to discover why he has hidden his returns so defiantly?”

Trump’s refusal to divest himself of his business empire led to the suits, partly based on the use of Trump International Hotel in Washington by representatives of the governments of Kuwait, Saudi Arabia, Turkey and Georgia.

[Read the Bloomberg article.](#)

More States Likely to Sue over Opioid Epidemic



Texas lawyer [Kent Sullivan](#), who helped build a potent state health care fraud unit as the No. 2 lawyer in the Texas Attorney General's office, is convinced that more states will follow Mississippi and Ohio in suing to recover damages related to the opioid epidemic, reports a post on the website of [Androvett Legal Media & Marketing](#). Sullivan, now a partner in the Austin office of [Jackson Walker LLP](#), says states wield “a huge hammer” over defendants through their tough anti-fraud laws.

“I expect a national trend, a significant wave of lawsuits against the companies and organizations connected with the spread of these powerful prescription drugs. States will be very tempted by the significant potential damages that may be awarded in court to try to recoup some of the costs of treatment.

“There is, of course, a way to successfully defend these cases, but at the beginning, state governments have a huge advantage under Medicaid fraud and consumer protection statutes. There is an easier burden of proof and enhanced damages available under these laws. Intent or negligence often is not required to prove liability. You have a huge hammer over these companies' heads, and they can be at risk of losing more than actual damages. The damages are often multiplied if you're found liable, and the states can often recover attorneys' fees.

“As government health care has expanded, so have anti-fraud actions by states. These lawsuits are not part of the traditional private party litigation framework, where the

burden of proof is higher. In many cases, the defendants consider settlement to avoid the significant risk and high cost of litigation. It is fairly unusual for these cases to go to trial but, as I often tell clients, the way to obtain the best settlement is to be totally ready for trial.”

Sullivan, a former appeals court judge, was chief deputy AG to then-Attorney General Greg Abbott and ramped up the state’s Civil Medicaid Fraud Division from four lawyers to over 40. In 2012, Texas won a \$158 million settlement from Johnson & Johnson over its improper marketing of the anti-psychotic drug Risperdal to patients on Medicaid from 1994-2008. It was the largest Medicaid settlement in Texas history and is believed to be the first settlement paid at that time to any state in the nationwide litigation over Risperdal.

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[**Industry Lawyers Were Granted Ethics Waivers to Work in Trump Administration**](#)

Documents released this week reveal that lawyers, lobbyists and industry executives who can now shape policies benefiting their former clients and companies have been allowed to work in the Trump administration, even with the president’s vow to “drain the swamp” of influence peddling, reports [*The New York Times*](#).

The report by [Eric Lipton](#) and [Danielle Ivory](#) begins with an example:

Lance Leggitt helped collect \$400,000 in fees last year while working as a lobbyist to try to influence Medicare policy at the Department of Health and Human Services – an agency where he now serves as chief of staff.

Under an executive order signed by President Trump in January, lobbyists were banned from that kind of government work. But Mr. Leggitt is among a half dozen officials across the federal government who have been granted special waivers to disregard ethics rules, according to a new set of documents released Wednesday.

[Read the NYT article.](#)

[White-Collar Lawyers See Opportunity in Trump Scandals](#)

[Politico reports](#) that the Russia investigations are bad news for President Donald Trump, but they're a blessing for white-collar lawyers and crisis consultants whose careers are primed to take off as the criminal probes unfold.

“More than a dozen attorneys and crisis communications specialists have already started working for Trump associates touched by the unfolding Russia scandal, according to a

POLITICO tally. People close to the probes say that number is expected only to grow as more than 20 other senior campaign aides and White House officials begin receiving subpoenas, grand jury summonses and other requests from special counsel Robert Mueller as well as congressional committees,” write [Darren Samuelsohn](#) and [Andrew Restuccia](#).

The authors quote Harlan Loeb, a crisis management expert who worked for Enron and other corporate clients and now chairs Edelman’s crisis and risk practice: “If you’re doing it right, it’s a career maker. This is the material that great books are made of.”

[Read the Politico article.](#)

[Client of Disgraced Lawyer: 'Everybody Knew He Would Run'](#)

At the time he was arrested for defrauding taxpayers of \$600 million, disability attorney Eric Conn spoke multiple languages, had crossed the border 140 times in the past decade and had told at least six people he would flee the country instead of going to jail, reports the [Associated Press](#).

A federal judge released Conn on \$1.25 million bail last year, and then on Saturday, one month before a judge was supposed to sentence him to prison, Conn removed his electronic monitoring device and disappeared, writes the AP’s Adam Beam.

Some of his former clients who lost their primary source of

income because of his scheme said their only surprise was that the system that let him leave.

[Read the AP article.](#)

[The Whistleblower Behind Caterpillar's Massive Tax Headache Could Make \\$600 Million](#)

[BloombergBusinessweek](#) reports on the story behind the accountant who might end up the best-paid whistleblower of all time, with a potential paycheck of \$600 million, while Caterpillar, the 92-year-old pride of American industry, will experience something unfamiliar: public humiliation.

“In a 2011 deposition, a Caterpillar attorney asked [accountant Daniel] Schlicksup if his actions threatened to hurt shareholders. write [Bryan Gruley](#), [David Voreacos](#) and [Joe Deaux](#).”

“It is absolutely in the shareholders’ best interests to have the most accurate financial statements they can have,” Schlicksup replied. “I don’t think that the shareholders of Enron would think it would have been such a bad deal if somebody would have caught that before it bankrupted the company and they lost everything they had.”

[Read the BloombergBusinessweek article.](#)

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[Healthcare Developer Fined \\$155 Million for Lying About Compliance](#)

Health records software developer eClinicalWorks has agreed to pay a \$155 million to the federal government for civil fraud and kickback charges, according to [HIT Consultant](#).

“Both the government and the whistleblower alleged that eClinicalWorks falsely represented to customers that its EHR [electronic health record] system complied with Meaningful Use requirements,” the publication says. “The settlement marks the first time an EHR vendor is being charged for the truthfulness and accuracy of representations made when seeking government certification of its EHR system and the government applying the federal Anti-Kickback Statute (AKS) law to the promotion and sale of EHR systems.”

The whistleblower alleged the company modified its software to pass testing, without being fully functional. The lawsuit listed several allegations against the company, such as kickbacks for recommendations, and failure to test its software adequately before releasing it.

[Read the HIT Consultant article.](#)

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[Big Law Attorneys Think Twice About Trump Labor Gig](#)



The well-established revolving door from big law to a GOP Labor Department may need extra grease under President Donald Trump, writes [Ben Penn](#) for [Bloomberg Law](#).

The search for political appointees to the department appears to be impeded by a shrinking pool of private attorneys willing to incur a lifelong Trump association. And the search isn't helped by the steep pay cut, grueling confirmation process, and a post-work lobbying ban.

Penn writes that the shortage of lawyers in the DOL could make it difficult for the department to get to work on undoing large parts of the Obama administration's labor agenda.

[Read the Bloomberg article.](#)

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Supreme Court Suspends Wrong Lawyer Over 'Mistaken Identity'

When the Supreme Court suspended a prominent Massachusetts lawyer and threatened him with disbarment, it started a Boston legal drama that took two weeks to resolve, reports the [Associated Press](#).

Reporter Mark Sherman writes that the confusion ended on Tuesday, when the court acknowledged it had the wrong guy in an order attributing its earlier action to “mistaken identity.”

The wrongly suspected lawyer was Christopher Patrick Sullivan, a partner with the Robins Kaplan firm in Boston and the incoming president of the Massachusetts Bar Association.

The court originally intended to react to a disciplinary notice from a New York State court concerning a Christopher P. Sullivan, who is in prison in Vermont, serving a sentence for drunken driving that resulted in the death of a 71-year-old woman in 2013.

[Read the AP article.](#)

[CVS's Omnicare to Pay \\$23 Million to Resolve U.S. Kickback Case](#)

Reuters [is reporting](#) CVS Health Corp's Omnicare unit has agreed to pay \$23 million to resolve a whistleblower lawsuit alleging that it took kickbacks from a drugmaker to promote two antidepressants, according to settlement papers.

The agreement comes out of a 2007 lawsuit against the pharmacy operator by two former employees of drugmaker Organon USA Inc on behalf of the federal government and various states.

"The lawsuit claimed that from 1999 to 2005, Omnicare and certain pharmacies it acquired sought and received kickbacks from Organon in the form of discounts in exchange for promoting the antidepressants Remeron and Remeron SolTabs," writes [Nate Raymond](#).

Former Organon employees Richard Templin and James Banigan filed the suit, which reached a related \$31 million settlement in 2014.

[Read the Reuters article.](#)

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Emerging Trends Series: Offshore Wind



Foley Hoag's Energy and Cleantech practice and NECEC recently present a webinar discussion with offshore wind developers, leading public officials, investors and experts at the cutting edge of the Northeast's emerging offshore wind market.

The [recorded webinar](#) is now available for on-demand viewing on the firm's website.

After decades of speculation about offshore wind's future in the United States, the industry that has long powered grids in Europe has finally arrived in the Northeast, the firm said on its website. In the last year America's first offshore wind project – off the coast of Rhode Island – started spinning and delivering power to the grid, Massachusetts Governor Charlie Baker signed into law a bill authorizing the procurement of 1,600 megawatts of offshore wind, and New York Governor Andrew Cuomo committed to 2,400 megawatts of offshore wind off the coast of New York by 2030. Meanwhile, major utilities have announced agreements with developers to purchase energy generated from the projects planned for the eastern seaboard.

[Watch the on-demand webinar.](#)

Bradley Partner Paul Compton to be Nominated to Serve as U.S. HUD General Counsel



President Donald J. Trump has nominated [Paul Compton](#), a partner in [Bradley Arant Boult Cummings LLP](#)'s Birmingham office, to serve as General Counsel of the U.S. Department of Housing and Urban Development (HUD). The appointment is subject to Senate confirmation.

Compton currently serves as leader of the firm's Affordable Housing and Community Development practice.

"The firm congratulates Paul Compton on his expected nomination by the President to serve as the chief legal officer of the U.S. Department of Housing and Urban Development and counsel to its Secretary, Dr. Ben Carson," said Bradley Chairman of the Board and Managing Partner Beau Grenier. "We are tremendously proud of Paul, whose knowledge and experience in the areas of affordable housing, community development, and banking and financial services have earned him an outstanding reputation among his peers and clients."

The Office of General Counsel (OGC) of HUD provides legal opinions, advice and services with respect to all departmental programs and activities. The General Counsel also leads the department's efforts to enforce the Fair Housing Act and other civil rights and programmatic requirements. The OGC plays a vital role in helping HUD accomplish its mission of assuring decent and affordable housing, enabling all Americans to achieve homeownership, providing resources for communities to build strong neighborhoods, preventing homelessness, and enforcing fair housing laws.

In addition to his various Bradley practice leadership roles,

Compton is a member of the firm's Banking & Financial Services group and is Chair of the firm's Finance Committee. He has experience in innovative commercial financing transactions, particularly those involving tax credits (federal and state Low-Income Housing Tax Credit, historic, state industrial incentive, new markets, and work opportunity) and structured finance, and in the formation and sale of regulated financial institutions (banks, insurance companies and agencies, consumer finance companies, broker/dealers and community development entities).

Compton serves as counsel for the Alabama Bankers Association, Inc., counsel of record for the Alabama Consumer Finance Association, and as general counsel for the Alabama Affordable Housing Association. He earned his J.D. from the University of Virginia School of Law and his Bachelor of Science (summa cum laude) from the University of Alabama. He also attended the London School of Economics and Political Science. He is a Truman Scholar.

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Forum: Examine the Risks and Rewards for Cross-Border Deals



Bloomberg BNA and World Services Group are partnering to deliver business intelligence, drawn from market-leading news and data analysis, tailored for the advisers of international business.

The forum will be at Bloomberg LP's office at 120 Park Ave., New York 10017, on Tuesday, June 20, 2017. A pre-forum briefing will be 1-3 p.m., and the forum will be 3-5 p.m.

The [Cross-Border Deals Forum](#) will explore strategies for handling business and regulatory challenges impacting the industry, including:

- Tax reform, trade agreements, and policy shifts;
- Cross-border risk assessment;
- Expanding privacy and data security requirements; and
- Market and industry opportunities to watch.

Connecting deal-makers with a global group of peers and actionable insights, the Cross-Border Deals Forum covers the market shifts, opportunities and long-term trends executives are watching, and the political and regulatory changes affecting cross-border success.

[Request an invitation.](#)

[DOJ Threatens Immigration Rights Lawyers, Demands They Drop Their Clients](#)



A federal judge in Seattle has temporarily blocked a Justice Department order that called on a local immigrant-rights organization to stop some of its legal work. His ruling also applies to similar groups around the country, according to [The Seattle Times](#).

The nonprofit Northwest Immigrant Rights Project brought the lawsuit that resulted in the ruling by U.S. District Judge Richard Jones.

“In a letter last month, the Justice Department told the group it must ‘cease and desist’ providing certain legal assistance to immigrants unless it undertakes full representation of them in court,” writes reporter [Nina Shapiro](#).

The ruling also barred the Justice Department from sending similar orders to any other organizations around the nation.

[Read the Seattle Times article.](#)

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Are You Prepared for GDPR?

Take the Survey



The General Data Protection Regulation (GDPR) will become law in all EU jurisdictions on May 25, 2018 and will impact organizations that handle EU citizen data for any number of reasons, from employment to customer relations to marketing. Just because a company is not based in or even operating in the EU doesn't mean GDPR won't apply.

It is a broad and wide-ranging regulation that is posing significant challenges for the types of clients Yerra serves, namely global corporations in highly-regulated industries such as banking, consumer goods and pharmaceuticals.

To gauge readiness for GDPR across industries and global regions, Yerra has launched an [industry survey](#) to help benchmark where global corporations are in their preparations. The GDPR Reality Check survey is being run in collaboration with the Blickstein Group and will be open for submissions through the end of May 2017.

[Take the survey.](#)

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Benchmarking Your Policy & Procedure Management Program in 2017

NAVEX Global will present a [complimentary webinar](#) announcing the recent results from its new Ethics and Compliance Policy & Procedure Management Benchmark Report on May 25, 10 AM PT / 1 PM ET.

The report presents some interesting findings around legal actions related to policies – including the pivotal role policies play in the resolution of regulatory actions. In fact, while the average cost per legal action was \$53,522, nearly half of survey respondents avoided and/or reduced this cost due to an effective policy management program, NAVEX reports on its website.

This webinar will cover:

- Essential elements for an effective policy management program
- If your current practices are protecting your organization or putting it at risk
- How to reduce cost by using policy & procedure management software

[Register and receive a free copy of the report following the webinar.](#)

[Littler Survey Reveals Employers Caught in a Tangled Web of Federal, State and Local Laws](#)



The [Littler](#) law firm has released the results of its sixth annual survey, completed by 1,229 in-house counsel, human resources professionals and C-suite executives. [The Littler Annual Employer Survey, 2017](#) reveals that the change occurring in Washington, D.C., and in local governments – combined with technological advances and shifts in how work is performed – is creating an unprecedented level of uncertainty in the workplace.

A release from the firm continues:

A Complex Patchwork of State and Local Laws, Deep Uncertainty at Federal Level

The vast majority of employers expect the Trump administration to prioritize reforming healthcare and employee benefits law (89 percent) and immigration policies (85 percent) in 2017. However, for most regulatory issues, the percentage of respondents who anticipate an impact on their workplace over the next year remains relatively unchanged from last year's survey. That includes the Affordable Care Act (85 percent in 2016 to 83 percent in 2017) and enforcement by the Equal Employment Opportunity Commission (78 percent to 76 percent), National Labor Relations Board (56 percent to 55 percent) and Department of Labor (82 percent to 81 percent). Immigration reform was the exception as 63 percent said they expect an impact in 2017, up from 40 percent in 2016.

“With the profound changes in Washington, D.C., it may be initially surprising that respondents do not anticipate more of a near-term impact on their businesses,” said Michael Lotito, co-chair of Littler’s Workplace Policy Institute. “However, given the general climate of uncertainty and delays in appointments to government agencies, employers likely expect it to take time before they start to see how the president’s agenda is carried out and personally feel an impact in their workplaces.”

The host of new or amended labor and employment requirements at the state and local levels is creating compliance challenges for the majority of respondents (79 percent). In an effort to keep up, employers are updating their policies, handbooks and HR procedures (85 percent); providing additional employee training (54 percent); and conducting internal audits (50 percent).

“As states and municipalities continue to propose and enact a dizzying array of rules and regulations, it is no wonder employers are struggling with the increasingly fragmented landscape,” said Lotito. “With the Trump administration working to reduce federal regulations, employers can expect a growing patchwork of employment regulations as states and municipalities look to fill a perceived void at the federal level.”

Of the array of changes at the state and local levels, respondents have been most impacted by paid leave mandates (59 percent), background check restrictions (48 percent) and minimum wage increases (47 percent).

Uncertainty Surrounding Healthcare Reform

Even though survey responses were collected before Republicans withdrew the American Health Care Act in late March, more than a quarter (27 percent) were already uncertain about the impact of repealing the ACA’s employer mandate. And another 28

percent said they did not anticipate an impact at all.

“Employers face even more questions about the future of the ACA, as well as the extent to which the administrative process can and will be used to change aspects of the law, than when they responded to our survey,” said Ilyse Schuman, co-chair of Littler’s Workplace Policy Institute. “In this environment, employers can continue to expect a certain level of uncertainty surrounding employer-sponsored health coverage in the months ahead.”

Only 4 percent of respondents anticipate dropping coverage for some full-time employees if they are relieved of the ACA’s employer mandate, but 18 percent said they would allow more employees to work more than 30 hours a week.

“The responses indicate that employers are committed to providing health insurance for their full-time employees,” said Steven Friedman, co-chair of Littler’s Employee Benefits Practice. “However, they also suggest that a repeal of the mandate would give employers more flexibility to set work schedules based on the needs of their businesses, without fear of triggering a requirement to provide health insurance.”

EEOC Expected to Prioritize Hiring Practices, LGBTQ Rights and Pay Equity

Hiring practices – including the consideration of criminal or credit histories in the hiring process and pre-employment testing or screening practices – was the area where most respondents (51 percent) expected an increase in EEOC workplace discrimination claims over the next year, closely followed by LGBTQ rights (46 percent) and equal pay (46 percent).

“The transitions in Washington, D.C., appear to have curtailed employers’ expectations for EEOC enforcement activity around LGBTQ rights and equal pay, which rose sharply in the 2016 survey, when 74 percent and 61 percent of respondents,

respectively, expected increased enforcement around those issues,” said Barry Hartstein, co-chair of Littler’s EEO & Diversity Practice. “Nonetheless employers continue to expect substantial enforcement over the next year as pay equity and discrimination based on sexual orientation remain priorities not only for the EEOC, but for the courts, state and local governments, the plaintiffs’ bar and the general public.”

FMLA Leave Presents Headaches

Among the employee requests that are most difficult to accommodate, leaves of absences under the Family and Medical Leave Act emerged as the presenting the greatest challenges. The majority of respondents indicated difficulty with managing intermittent FMLA leave (65 percent) and leaves that extend beyond FMLA requirements (55 percent), followed by remote or work-from-home arrangements (37 percent) and modified or reduced schedules (36 percent).

“Nothing is more disruptive to the operation of a business than unpredictability. When employees are repeatedly and unexpectedly off work, employers have to scramble to cover their responsibilities and manage potential resentment from employees who are inevitably asked to do more,” said Hartstein. “The increasingly common practice of requesting flexible work arrangements is also creating a whole new layer of legal and practical challenges for employers.”

Data Privacy and Breach Prevention Top of Mind

As the volume of data breaches originating with employees continues to grow, 63 percent of respondents said their HR and IT departments are collaborating on information security policies. Just over half (51 percent) said they were providing additional training to employees, and a smaller percentage said they were utilizing cyber-incident response plans (29 percent) and updating employee contracts to cover confidentiality obligations (23 percent).

“It is encouraging to see HR collaborating with IT to reduce the risk of data breaches that originate with employees. Information security policies prepared only by IT often focus on technical safeguards, whereas involving HR in the process helps to address the human elements of information security,” said Philip Gordon, co-chair of Littler’s Privacy and Background Checks Practice. “However, our results suggest that employers can take additional steps to guard against and prepare for employee-initiated data breaches, including ensuring all employees are trained on policies and know how to recognize and then report a security incident.”

Among respondents from large-cap organizations, the majority (56 percent) said global data privacy was a key area of concern in doing business outside of the U.S. “This concern likely stems from the significant restrictions on sharing personal data of employees in Europe and in the many countries that impose stricter rules than the U.S.,” noted Philip Berkowitz, U.S. co-chair of Littler’s International Employment Law Practice.

The survey results were released at Littler’s 34th annual Executive Employer Conference held May 10-12, 2017, in Phoenix, Arizona, and attended by many of the employers who completed the survey.

[Click here for The Littler® Annual Employer Survey 2017 Report](#)

[Click here to view the survey infographic](#)

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Lawyer Says Texas Law Banning 'Sanctuary Cities' Has Serious Constitutional Problems

A new Texas “sanctuary cities” ban set to take effect Sept. 1 orders cities and counties not to stop law officers from asking about the immigration status of anyone they detain. It also would punish police chiefs, sheriffs and constables who fail to abide by the law or fail to comply with federal immigration detainer requests, according to a post on the website of [Androvett Legal Media & Marketing](#).

On Tuesday, the American Civil Liberties Union of Texas warned visitors that their constitutional rights could be violated when they're in the state. A federal lawsuit has already been filed in San Antonio. On the other side, Attorney General Ken Paxton has also filed suit, asking a federal judge pre-emptively to uphold the constitutionality of the law.

Dallas attorney [David Coale](#) of [Lynn Pinker Cox & Hurst](#), a trial and appellate lawyer, says the new law is vulnerable.

“States and cities can't be made to enforce federal law because of the 10th Amendment and federal preemption of immigration law. Period. Farmers Branch and Irving, Texas, went through similar issues several years ago with their local laws about immigration. A state law that tries to make cities enforce federal law is just as problematic.

“Procedurally, I expect the plaintiffs in the San Antonio case to seek some kind of temporary restraining order or

preliminary injunction to enjoin the law. On both sides, you have to separate the policy from the law. Both sides have points about the importance of immigration enforcement, on the one hand, and local control over local law enforcement, on the other. The legal question, though, is about the structure of our government, which is defined by the Constitution.”