

# [Disgraced Fugitive Lawyer Sentenced in Absentia to 12 Years in Prison](#)

A federal judge sentenced disgraced former disability lawyer Eric C. Conn to 12 years in prison Friday even though Conn is a fugitive, according to [a report](#) in the *Lexington Herald-Leader*.

U.S. District Judge Danny C. Reeves imposed the sentence in absentia against Conn in federal court in Lexington, KY. The 12-year sentence was the maximum for the two charges covered in a plea deal that was in place.

Reporter Bill Estep writes that Conn, 56, was once one of the top disability lawyers in the country, representing thousands of people in successful claims for benefits from the Social Security Administration and making millions in fees. But then in March Conn pleaded guilty to stealing from the government and paying illegal gratuities to a Social Security judge.

The conspiracy outlined by Conn included using false evidence of clients' physical or mental disabilities in their claims. Some doctors were paid to sign forms with little scrutiny, and Conn bribed the Social Security judge to approve claims.

[Read the Herald-Leader article.](#)

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# [Trump Lawyer Marc Kasowitz to Critic: ‘Watch Your Back. . . . I Already Know Where You Live](#)

*The Washington Post* [is reporting](#) that Marc E. Kasowitz, President Trump’s longtime attorney representing him in the Russia investigations, reportedly sent angry, threatening and profane emails to a stranger who criticized him this week. In one email, he told the man, “I already know where you live, I’m on you.”

A Kasowitz spokesman did not dispute the account, which was reported Thursday by the independent nonprofit journalism site ProPublica. The spokesman said Kasowitz regretted his words and that the email “came at the end of a very long day that at 10 p.m. was not yet over,” writes [Derek Hawkins](#).

The exchange began after a “Rachel Maddow Show” broadcast that discussed how Kasowitz had made the unusual decision not to seek a security clearance to handle the Russia case. The man sent an email to Kasowitz with the subject line, “Resign Now.”

[Read the Post’s article.](#)

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# [Trump Faces Obstacles in Bid to Re-Shape Key U.S. Courts](#)

President Donald Trump's effort to reshape influential U.S. courts by stocking them with conservative judges faces at least one significant impediment, [reports Reuters](#): some of the courts best placed to thwart his agenda have liberal majorities that are likely to stay in place in the short-term.

"Those courts, including an influential Washington appeals court and two appellate courts that ruled against Trump in cases involving his travel ban, all had an influx of fresh liberal blood under President Barack Obama," writes [Lawrence Hurley](#).

Hurley explains that in Obama's eight years in office, he was able to make enough appointments to leave a strong liberal imprint on the federal courts. At the end of his second term, nine of the 13 federal appeals courts had a majority of Democratic-appointed judges.

[Read the Reuters article.](#)

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# 'No One's Minion' – Colleague Says Steady Hand, Moral Compass Mark FBI Nominee's Career

President Trump's pick to replace fired FBI Director James Comey goes before the Senate Judiciary Committee on Wednesday. While committee members are preparing a full day of tough questioning to reveal Christopher Wray's character and positions on law enforcement, former high level Justice Department lawyer [Bill Mateja](#) says his former colleague is ideally suited to weather the turbulent and politically charged approval process, according to a post on the website of [Androvett Legal Media & Marketing](#).

"Chris Wray's appointment should sail through with flying colors," said Mateja, now a shareholder in Dallas-based [Polsinelli P.C.](#) and former Senior Counsel to U.S. Deputy Attorneys General Larry Thompson and James Comey in Washington, D.C., where he also served as point person for the President's Corporate Fraud Task Force. "He's a superb and qualified candidate to run the FBI. He has a great moral compass and he's no one's minion. He has the experience, the smarts and the gravitas.

"He's an odd choice in a way for President Trump because he has worked with and is cut from the same cloth as Jim Comey, who Trump fired as FBI director, and special counsel Robert Mueller, who Trump has attacked. All three strive to do the right thing. The public can rest easy that Chris will not be a lackey for Trump.

"Chris is a Republican but he doesn't wear his politics on his sleeve. He keeps things close to his vest. He isn't as

colorful as Jim Comey. He takes a conservative approach. It's not his nature to comment publicly if it can be avoided."

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## [Tillerson in Focus as Exxon Investigation Intensifies](#)



*Image* by [William Munoz](#)

Secretary of State Rex Tillerson is expected to be deposed as New York Attorney General Eric Schneiderman expands his sweeping probe into whether Tillerson's former employer, ExxonMobil, misled investors about the impact of climate change, [reports JWN](#).

"Schneiderman's office considers the nation's chief diplomat a central figure in a case that pits the ambitious Democrat against a Texas energy giant and has divided attorneys general nationwide," according to the report.

Some state prosecutors and Exxon's legal team accuse the New

York attorney general of abusing the power of his office to score political points. Schneiderman, however, says he he has the legal authority to depose the secretary of state, who served as Exxon's CEO until joining the Trump administration.

[Read the article.](#)

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## Potential Medicaid Cuts Put Savings of Middle-Class Elderly at Risk

The health care bill the U.S. Senate is fine-tuning could have profound effects on elderly people who rely on nursing home care, says Houston-area elder law attorney [Kelley Bentley](#) of [Roberts Markel Weinberg Butler Hailey PC](#). Bentley is board certified in estate planning and probate law by the Texas Board of Legal Specialization.

*"The bill proposes large cuts to federal Medicaid support over several years with reliance on states to decide funding in the future. In Texas, nearly 70 percent of nursing home residents are enrolled in Medicaid.*

*"While many people may assume the program pays solely for health care for the poor, it also fills a gap for long-term care, including at-home and nursing home care for the elderly population. The cost of long-term care in the U.S. can be substantial and a serious drain on an individual's assets. That includes middle-class retirees who sometimes have*

*managed to save substantial assets. Some people simply outlive their savings for long-term care.*

*“Older people should take a hard look at their savings long before any health problems. Consider a long-term care savings plan or long-term care insurance and also talk to a lawyer about how to organize and protect assets. In Texas, long-term care Medicaid programs can provide a wide range of care, including nursing home, assisted living and at-home programs. The secret is to start to plan early, before the need arises as there are more options available for the preservation of assets. The goal is not necessarily to preserve assets for future generations, but to ensure that an individual (or married couple) has sufficient assets to cover any future long-term care needs.”*

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## [Ex-WellCare General Counsel Pleads Guilty in Florida Medicaid Case](#)

Reuters [is reporting](#) that an ex-general counsel of insurer WellCare Health Plans Inc. pleaded guilty on Wednesday in federal court in Tampa to having made a false statement to Florida’s Medicaid program, prosecutors said, the latest former executive to be convicted in the case.

Thaddeus Bereday, indicted along with four other former WellCare executives in 2011, faces a maximum of five years in prison.

“Bereday’s plea came after the U.S. Supreme Court in April declined to hear an appeal by former WellCare Chief Executive Todd Farha of his fraud conviction for his role in a scheme to cheat the Medicaid health insurance program for the poor,” writes reporter [Nate Raymond](#).

[Read the Reuters article.](#)

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## [The Litigation Storm Around President Trump](#)



Image by [Gage Skidmore](#)

Liberal activists are thrilled to be suing President Donald



Trump, reports [Bloomberg Law](#).

The article by Paul Barrett and Dune Lawrence quotes Norman Eisen, the chief White House ethics lawyer for President Barack Obama: “The reason you’re seeing a proliferation of lawsuits against President Trump is that he brought his lifelong contempt for the rule of law with him to the Oval Office.”

A varied collection of plaintiffs accuse Trump of improperly profiting from private businesses such as his Washington hotel, which has been patronized by officials from Saudi Arabia, Kuwait, and other countries.

“Yet another legal challenge has blocked a separate executive order cutting off certain federal funds from ‘sanctuary cities,’ which refuse to have their police departments help federal authorities target immigrants for deportation,” the authors report.

Even some state and local governments are taking Trump to the courthouse.

[Read the Bloomberg article.](#)

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# [Making Your Law Firm Media Savvy from Top to Bottom](#)

President Donald Trump's complaints about anonymous media sources and unauthorized White House news leaks are symptoms of a lack of planning that offers an important lesson in crisis communications for law firms, writes Bruce Vincent of [Muse Communications](#).

"If the President or his emissaries had properly established a few key rules and a solid media game plan before the inauguration, it's possible that Team Trump would be spending a lot more time advancing the administration's policies rather than responding to media bombshells," according to Vincent.

His advice for the administration includes: establish a media chain of command, treat a crisis communications like a fire drill, managing expectations, and conducting a crisis communications follow-up.

[Read the article.](#)

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## [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.](#)

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[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.](#)

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## [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.](#)

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## [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.](#)



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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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# 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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# 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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**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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## [Congressman Targets Assistant General Counsel Over Political Activism](#)

The assistant general counsel of a New Jersey-based bank company says she found herself in a touchy situation after a

U.S. Congressman complained to her employer about her activism that targeted the lawmaker.

[WNYC describes](#) what happened:

The most powerful congressman in New Jersey, Rep. Rodney Frelinghuysen, wrote a fundraising letter in March to a board member of a local bank, warning him that a member of an activist group opposing the Republican worked at his bank.

The employee was questioned and criticized for her involvement in NJ 11th for Change, a group that formed after the election of Donald Trump and has been pressuring Frelinghuysen to meet with constituents in his district and oppose the Trump agenda.

“Needless to say, that did cause some issues at work that were difficult to overcome,” said Saily Avelenda of West Caldwell, New Jersey, who was a senior vice president and assistant general counsel at the bank before she resigned. She says the pressure she received over her political involvement was one of several reasons she decided to leave.

[Read the WNYC article.](#)