

Big New York Law Firm Faces Questions on Work With Manafort



Image by [Disney | ABC Television Group](#)

The Justice Department recently asked law firm Skadden, Arps, Slate, Meagher & Flom for information and documents related to its work on behalf of a client of Paul Manafort, reports [The New York Times](#).

That client, Viktor Yanukovych, the Russia-aligned president of Ukraine, needed some cover to justify the jailing of a political rival, according to reporters [Kenneth P. Vogel](#) and [Andrew E. Kramer](#).

They explain:

The request comes at a time when Mr. Manafort, his work for Mr. Yanukovych's party and for Russian and Ukrainian oligarchs as well as the handling of payments for that work have become focal points in the investigation of the special counsel, Robert S. Mueller III, into Russian meddling in the 2016 presidential election, and connections between Russia, Mr. Trump and his associates.

[Read the NYT article.](#)

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[Register for the Healthcare Enforcement Compliance Institute](#)

The [Healthcare Compliance Institute](#) is scheduled for Oct. 29-Nov. 1 in Washington, DC.



The event will give participants the opportunity to go beyond legal analysis, learn how to implement systems that ensure the law is followed, and gain practical advice from experts in a one-of-a-kind forum where lawyers and compliance officers work together, according to the Health Care Compliance Association.

Some of the topics to be covered include:

- Are We Ineffective at Assessing Compliance Program Effectiveness or Are Industry and Government Using Different Standards?
- Handling a Criminal Healthcare Fraud Case
- Tips and Tools for Mitigating CMS Enforcement Actions
- Using Data and Statistics to Defend Against Health Care

Enforcement

- Your Company Has Been Served with a Civil Investigative Demand: Now What?
- Managed Care Fraud Enforcement & Compliance

[Register or get more information.](#)

[How Supreme Court Justices Could Avoid Issuing a Verdict on Trump's Travel Ban](#)



President Donald Trump's travel ban offers the Supreme Court the chance to make a major pronouncement on the president's power over immigration. But the case also could vanish into the legal ether, and that may be what a majority of the court is hoping for, [points out](#) Associated Press reporter Mark Sherman.

"Getting rid of the case would allow the justices to avoid second-guessing the president on a matter of national security or endorsing an especially controversial part of Trump's agenda," Sherman writes.

The timing of the ban could help the justices avoid a showdown because the 90-day travel ban on visitors from six mostly Muslim countries will expire before the court will hear the challenge.

[Read the AP article.](#)

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[Ethics Expert on Trump Lawyer's Steakhouse Disclosures: He Blew It](#)

“Incompetent,” “unethical” and “bizarre” were some of the words lawyers and ethics experts [used](#) to characterize a loud, public conversation Trump lawyer Ty Cobb had in a restaurant about the Russia investigation.

Bloomberg Law reported that when Cobb joined President Trump's legal team in July, he was “intended to be traffic cop, enforcer of discipline” on the case. Then on Sunday a *New York Times* reporter revealed “he had overheard Cobb and Trump attorney John Dowd ‘casually and loudly’ discussing the investigation and Cobb's dispute with White House counsel Don McGahn while eating at a popular Washington, D.C. steakhouse.”

Bloomberg interviewed several ethics experts, one who said, “the failure to take precautions to protect client confidences violates lawyer ethics rules and can lead to discipline.”

[Read the Bloomberg article.](#)

[ADA Website Wars Coming to a Retailer Near You](#)

The Winn-Dixie grocery chain is the latest and perhaps highest-profile business to face penalties for websites that are not compliant with the Americans with Disabilities Act (ADA), but it's not likely to be the last, according to a post on the website of [Androvett Legal Media & Marketing](#).

A federal judge in Florida found that the grocery chain's website was inaccessible to visually impaired individuals and thus violated the ADA because features such as the website's online coupons and pharmacy could not be accessed using a screen reader. The court ruled in favor of the plaintiff on all issues and awarded injunctive relief and attorneys' fees.

The Americans with Disabilities Act prohibits discrimination on the basis of disability in public places, like stores and movie theaters. Increasingly, a battle has been brewing over whether or not websites for such "places of accommodation" must also be accessible.

"In Winn-Dixie's case, the court agreed that because its website was closely integrated with its stores, the web content must be accessible to the hearing and visually impaired," said employment attorney [Audrey Mross](#) of Dallas-based [Munck Wilson Mandala](#). "If consumer-facing businesses were not aware of ADA website compliance, this case should be an eye-opener."

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[Despite EPA's Insistence, Clean Power Plan Remains 'The Law Of The Land,' Democratic State Officials Insist](#)

The battle over the Clean Power Plan has intensified as Democratic state officials are publicly locking horns with Scott Pruitt, the head of the U.S. Environmental Protection Agency, over the legal advice that he has given to states that oppose the Obama-era carbon-cutting plan, [reports Forbes](#).

Ken Silverstein explains that in March Pruitt wrote a letter in which he advised the states that they do not have to meet the deadlines set by the Clean Power Plan that aims to cut CO2 emissions by 32% by 2030, from a 2005 baseline. But 14 state attorneys general disagree, saying the regulation remains in effect unless the courts would rule otherwise.

"The country is well on its way to achieving the desired outcome of the regulation: carbon emissions in this country have dropped from 6.13 billion metric tons in 2007 to 5.35 billion metric tons last year because natural gas is replacing coal-fired generation," writes Silverstein.

[Read the article.](#)

Church-State Debate Surfaces in Hurricane Harvey's Wake

“Hurricane Harvey didn’t cherry pick its victims, and FEMA shouldn’t cherry pick who it helps,” Washington, D.C. attorney Diana Verm [told the Houston Chronicle](#) this week.

In a post on the website of [Androvett Legal Media & Marketing](#), Verm, who specializes in religious liberty cases, is representing three small Texas churches who recently sued the Federal Emergency Management Agency, alleging the government’s disaster relief policy violates the Constitution by denying faith groups the right to apply for funds.

Texas nonprofits that sustained damage by the Category 4 hurricane have 30 days to apply for emergency cleanup grants. The Houston-area churches maintain they should be eligible since they have and continue to support victims of the devastating storm.

[David Coale](#), a Dallas appellate attorney who specializes in constitutional cases, says the complaint by the Rockport First Assembly of God in Aransas County, Harvest Family Church in Harris County and Hi-Way Tabernacle in Liberty County goes a step farther than previous similar cases by moving beyond exterior structures and building repairs into providing personal services.

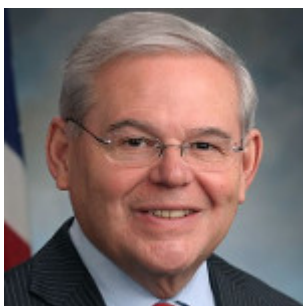
“On its face it’s a reasonable request – it’s a disaster and

they need all the help they can get,” Coale, a partner with [Lynn Pinker Cox Hurst](#), told the newspaper. “On the other hand, we are talking about giving people money to offer a place to sleep. There is stuff up in the church about religion and there will be people in the church providing a little bit of ministry.”

The Texas case comes three months after a U.S. Supreme Court ruling that prohibited government discrimination against a Missouri church that had applied for funding for playground equipment.

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[Federal Judge Excoriates Sen. Menendez Prosecution Team](#)



The judge overseeing the bribery trial of Sen. Robert Menendez ripped into prosecutors Thursday for trying to focus on what he called “tabloid” details – an unusual description for dry testimony about a series of emails about a hotel reservation, reports [The Washington Post](#).

“U.S. District Judge William Walls stopped testimony for 20 minutes in which he tongue-lashed prosecutors for their painstaking recounting of emails used to book a luxury hotel in Paris for the New Jersey Democrat in 2010,” writes reporter

[Devlin Barrett](#). “The three-day hotel stay is a central part of the Justice Department’s case.”

At one point, the judge sent the jury out of the courtroom and then began chewing out Justice Department lawyers.

“Whether these defendants engaged in bribery does not depend on whether the senator chose a more expensive room. We’re not talking about Days Inn,” he said.

[Read the *Washington Post* article.](#)

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[Trump Lawyers Urge Supreme Court to Rule for Colorado Cake Maker Who Turned Away Gay Couple](#)

Trump administration lawyers joined sides with a Colorado baker Thursday and urged the Supreme Court to rule that he has the right to refuse to provide a wedding cake to celebrate the marriage of two men, reports [The Los Angeles Times](#).

In a friend-of-the-court brief, Acting Solicitor Gen. Jeffrey B. Wall argued that the cake maker’s rights to free speech and the free exercise of religion should prevail over a Colorado civil rights law that forbids discrimination based on sexual

orientation, according to the report by [David G. Savage](#).

Savage writes: “The brief filed Thursday is likely to bolster the cake maker’s case, and is in line President Trump’s repeated promises to protect ‘religious liberty.’”

[Read the LA Times article.](#)

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[CEOs See a ‘Sad Day’ After Trump’s DACA Decision](#)



The New York Times published a [collection of reaction](#) from some top business leaders and companies who expressed their disapproval of President Trump’s decision to end the Deferred Action for Childhood Arrivals program.

Timothy D. Cook, Apple’s chief executive, tweeted that his company would fight for the people affected by Trump’s action to be “treated as equals.”

Reporter Zach Wichter writes that Facebook’s Mark Zuckerberg said the announcement marks “a sad day for our country.”

Roger A. Iger, chairman and chief executive of the Walt Disney Co., tweeted: “Rescinding DACA is cruel and misguided. Dreamers contribute to our economy and our nation.”

[Read the NYT article.](#)

[DOJ Investigating Whether Uber Violated Foreign-Bribery Laws](#)

The U.S. Department of Justice is looking into whether Uber violated laws involving the bribery of foreign officials, the company confirmed to [Business Insider](#) on Tuesday.

The privately-held ride-hailing giant is being investigated for possibly violating the Foreign Corrupt Practices Act, which makes it illegal for individuals and organizations to pay foreign government officials in order to obtain or retain business.

[Alexei Otreskovic](#) writes that the investigation follows months of controversies and internal turmoil for the company.

[Read the Business Insider article.](#)

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[VW Engineer Sentenced to 40-Month Prison Term in Diesel Case](#)

A federal judge in Detroit sentenced former engineer James Liang to 40 months in prison for his role in Volkswagen AG's multiyear scheme to sell diesel cars that generated more pollution than U.S. clean air rules allowed, [Reuters is reporting](#).

The sentence calls for Liang to pay a \$200,000 fine, 10 times the amount sought by federal prosecutors. The sentencing judge said he hoped the prison sentence and fine would deter other auto industry engineers and executives from similar schemes to deceive regulators and consumers, write [David Shepardson](#) and [Joseph White](#).

Prosecutors said Liang was a "pivotal figure" in designing the systems used to make Volkswagen diesels appear to comply with U.S. pollution standards, when instead they could emit up to 40 times the allowed levels of smog-forming compounds in normal driving, according to the report.

[Read the Reuters article.](#)

Mueller Uses Classic Prosecution Playbook Despite Trump Warnings



Bloomberg Law [describes](#) how special counsel Robert Mueller is following a time-tried strategy for looking into the Trump campaign's possible ties to Russia:

“Follow the money. Start small and work up. See who will ‘flip’ and testify against higher-ups by pursuing charges such as tax evasion, money laundering, conspiracy and obstruction of justice.”

Reporter Chris Strohm quotes Jeffrey Cramer, a former prosecutor who's now managing director of consulting firm Berkeley Research Group LLC: ““You go for the weakest link, and you start building up.”

Mueller's approach has been used for decades in criminal investigations, from white-collar fraud to mob racketeering.

[Read the Bloomberg article.](#)

[Stays of Contract Award and Performance](#)

An article in the [Government Contracts Insights](#) blog on the website of Morrison Foerster discusses stays of award and performance during the pendency of a bid protest.

Partner [Daniel Chudd](#) and associate [James Tucker](#) cover stay of contract awards, stay of contract performance, Court of Federal Claims protests, and stay overrides.

In a later post, they will cover the substantive grounds of protest.

[Read the article.](#)

[Mueller, Several Team Members Gave Up Million-Dollar Jobs to Work on Special Counsel Investigation](#)



Robert S. Mueller III left a \$3.4 million partner job in the white-shoe law firm WilmerHale, where he worked for clients such as Facebook, Apple, Sony and the NFL, to serve as the special counsel overseeing the law enforcement investigation into whether the Kremlin and the Trump campaign coordinated to impact the 2016 election, [The Washington Post](#) reports.

The Post filed a request for the Mueller team's public financial disclosures, which offer a glimpse into whom the special counsel and the lawyers he has hired have worked for and where they have made and invested their money.

Three other WilmerHale lawyers who joined Mueller on the team left behind incomes ranging from \$1.4 million to more than \$5.8 million, reports [Matt Zapotosky](#).

[Read the Washington Post article.](#)

[Trump's Real Personnel Victory: More Conservative Judges](#)

While the public watches President Trump churn through White House staff members, his Administration is humming along nicely in filling federal judgeships, with the enthusiastic assistance of the Republican majority in the Senate, points out [Jeffrey Toobin](#) in [The New Yorker](#).

Neil Gorsuch to the Supreme Court was Trump's most important victory. Senate Republican leader Mitch McConnell kept that seat vacant for nearly the full final year of Barack Obama's presidency.

"But McConnell didn't just protect a Supreme Court seat for the next President; he basically shut down the entire confirmation process for all of Obama's federal-judgeship nominees for more than a year," Toobin writes. "It's the vacancies that accumulated during this time—more than a hundred of them—that Trump's team is now working efficiently to fill."

[Read the *New Yorker* article.](#)

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[Could State Subsidies for Renewable Energy Face Legal Challenges?](#)



In a Maryland case, the U.S. Supreme Court rejected the state's effort to offer incentives for new gas fired power plants, ruling that the subsidies impermissibly encroached on the Federal Energy Regulatory Commission's authority under the Federal Power Act, writes [Hugh E. Hilliard](#), a senior counsel with [O'Melveny & Myers](#). But the Court left open the broader

issue of whether states have the power to offer other forms of energy incentives.

“Now several cases before the courts are raising just that question, with potentially far-reaching implications for nuclear and renewable energy, although recent decisions in those cases have upheld state subsidies that are not directly tethered to sales of electric energy at wholesale, which are subject to FERC’s exclusive jurisdiction,” according to Hilliard.

He writes that the latest developments in federal courts indicate that state subsidies for renewable energy, including renewable-energy portfolio standards and mandated procurement programs, are safe from challenges, at least for now.

[Read the article.](#)

[PwC to Pay \\$1 Mln to Settle Merrill Lynch Audit Complaint](#)



Reuters is [reporting](#) that accounting company PricewaterhouseCoopers LLP will pay \$1 million to settle a civil complaint alleging it conducted a flawed audit into Merrill Lynch’s compliance with federal brokerage customer protection rules, U.S. audit watchdogs said on Wednesday.

“The PCAOB’s penalty against PwC comes a little over a year

after the Securities and Exchange Commission ordered Bank of America's Merrill Lynch to pay \$415 million to settle charges it had put its brokerage clients' cash at risk in violation of customer protection rules," writes [Sarah N. Lynch](#).

[Read the Reuters article.](#)

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[New U.S. Rule on Class Actions Survives First Challenge](#)



A new U.S. rule aimed at restoring consumers' ability to band together to sue financial companies has survived its first challenge, as a top banking regulator said he would not petition for it to be suspended, [Reuters reports](#)

[Lisa Lambert](#) and [Pete Schroeder](#) write that the Consumer Financial Protection Bureau's rule abolishing "mandatory arbitration clauses" was released on July 10, and was immediately threatened by Republicans in Congress and President Donald Trump's administration.

Acting U.S. Comptroller of the Currency Keith Noreika publicly argued with CFPB Director Richard Cordray, appointed by former President Barack Obama, a Democrat, over whether the rule could endanger the banking system.

[Read the Reuters report.](#)

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[Once Again, Trump DOJ Busts Convention, Splits Government in High-Profile Employment Case](#)



The case of Donald Zarda, a skydiver who claimed his employer, Altitude, violated Title VII when it fired him after finding out he was gay, illustrates how the U.S. Department of Justice and the Equal Opportunity Commission can sometimes operate at cross purposes in litigation.

According to a [Reuters report](#), the EEOC, an independent federal agency, is representing Zarda's estate against the former employer. At the same time, the DOJ has filed its own amicus brief, explicitly disavowing the EEOC's stance.

[Alison Frankel](#) writes that the brief "argued primarily that the EEOC and the 7th Circuit, which adopted the agency's reasoning in its en banc opinion last April in *Hively v. Ivy Tech Community College*, disregarded the actual language of the statute and misread Supreme Court precedent on interpreting that language. According to the Justice Department, it's up to Congress, not the courts, to legislate protection for gay and lesbian employees, and Congress has steadfastly refused to do so."

[Read the Reuters article.](#)

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