

Is a Biglaw Firm About to Be Investigated By Robert Mueller?

Above the Law [reports](#) on the possibility – really speculation – that special counsel Robert Mueller could be looking into connections between Squire Patton Boggs and Donald Trump’s lawyer/fixer Michael Cohen.

Editor [Kathryn Rubino](#) points out that the firm has distanced itself from Cohen, saying that he “maintained his independence, was not an employee of the firm, and did not maintain files or bill clients through the firm.”

“But the revelations that have come to light about Cohen’s shell company, Essential Consultants, and the money collected from big-name companies for access and insights into the Trump administration have cast a pall on the Biglaw firm,” she writes.

Leading the speculation is Stormy Daniels lawyer Michael Avenatti, who has said that the apparent reason the firm cultivated a relationship with Cohen was to supplement its lobbying business.

[Read the Above the Law article.](#)

Lex Machina Integrates Remedies Analytics into Legal Analytics Platform

[Lex Machina](#), a LexisNexis company and creator of the award-winning Legal Analytics platform, announced the addition of new remedies analytics content for the platform.

The company said the new feature reveals grant and deny rates for permanent injunctions, preliminary injunctions and temporary restraining orders issued by specific judges or in specific districts for antitrust, commercial, copyright, employment, patent, securities and trademark litigation. The feature also adds new case timing data to the Legal Analytics platform, providing insights into the length of time it takes for judges to reach grant or deny decisions for these remedies. Armed with this information, attorneys can employ more effective legal strategies, reduce unnecessary legal spend and gain competitive advantage.

The addition of remedies analytics is the latest in a series of innovations and product enhancements that Lex Machina has introduced in recent months. Legal Analytics has been expanded to cover District Court bankruptcy appeals and product liability cases, as well as Delaware Court of Chancery litigation. The recently introduced Expert Witness Explorer app sorts and compares expert witness data and testimonial outcomes in product liability cases. The Legal Analytics platform now supports ten federal and state practice areas and eight Legal Analytics apps.

“The addition of remedies data is another enhancement to our Legal Analytics platform’s rapidly expanding scope and functionality, and makes the platform even more of a ‘must-have’ tool for both in-house law departments and law firms,”

said Owen Byrd, General Counsel and Chief Evangelist at Lex Machina. “Deeper remedies analytics and insights has been one of the most requested features by our users. We’re pleased to be able to address this feedback with remedies analytics and help our customers make more informed, data-driven business and legal decisions.”

In Lex Machina’s database of more than 1 million federal district court cases, there are 27,500 cases containing orders on motions for permanent injunctions, preliminary injunctions or temporary restraining orders. For these cases, Lex Machina data shows that permanent injunctions are granted in 88% and denied in 12% of cases when ruled on the merits. The trend varies, however, by practice area, with trademark cases seeing 91% of permanent injunctions granted when there is a judgment on the merits versus 86% of patent and 79% of employment cases.

In a release, the company said Legal Analytics users can gain even deeper insights by applying filters for specific judges or jurisdictions, and then use the results to better predict outcomes and develop winning legal strategies. Case filters for case type, case tags and time ranges may also be used to analyze remedies analytics for a specified group of cases.

Legal Analytics also contains data about other specific remedies pertaining to employment, antitrust, commercial and trademark litigation. The employment-specific remedies data includes reinstatement and promotion; antitrust remedies data includes divestiture; commercial remedies data includes replevin and specific performance; and trademark remedies data includes relinquish domain name and termination of mark. By using Legal Analytics’ built-in filters, lawyers can now uncover data-driven insights to answer questions such as: Has any employee successfully obtained reinstatement in the Northern District of Florida? How can I find recent commercial cases in which my judge granted specific performance?

Chipotle Cuts Losses, Settles Case With Ex-Worker Rather Than Face Big Damages

Chipotle Mexican Grill Inc. on Monday reached a confidential settlement with a former employee, rather than face punitive damages for wrongfully firing her in January 2015 from the the restaurant she once managed, reports [The Fresno Bee](#).

A Fresno jury last Thursday awarded Jeanette Ortiz \$7.9 million in her wrongful termination civil case for loss of past and future wages and emotional distress against the fast-foot giant, a company that is worth about \$1.3 billion, according to reporter Pablo Lopez.

Instead of letting the jury decide punitive damages, which could have been as much as nine times the original award, Chipotle's lawyers settled with Ortiz and her lawyers for an undisclosed sum.

"In its verdict, the jury of four men and eight women ruled that Ortiz was not a thief, but was a victim of a scheme to fire and defame her for filing a worker's compensation claim for a job-related injury to her wrist caused by carpal tunnel syndrome," writes Lopez.

[Read the Fresno Bee article.](#)

Fears Nachawati Secures \$166M Verdict in Fort Worth Murder-for-Hire Case

Attorneys for Dallas-based [Fears Nachawati Law Firm](#) have secured a \$166 million verdict against the daughter and son-in-law of a North Texas woman who was killed in 2014 for the proceeds of life insurance policies totaling \$5 million.

In a release, the firm said jurors in Tarrant County's 141st Judicial District Court determined Mark and Virginia Buckland were central figures in the conspiracy that led to the stabbing death of Anita Fox that was carried out by two members of a nomadic ethnic clan known as Irish Travellers. The multimillion-dollar verdict is believed to be among the largest in Tarrant County this year.

The release continues:

"The main concern from the start was to make sure the Bucklands would not profit from their actions," said Fears Nachawati partner [Matthew McCarley](#), who represented Al Fox III, Ms. Fox's son and executor of her estate. "Thanks to the jury's understanding that they acted willfully in putting into motion the events that led to her death, we exceeded those objectives. There is no possible way they will ever be able to get a dime from the estate. We are exceptionally proud to be able to bring that closure to Al."

Though the couple has never been charged criminally in the murder, the jury found that they had crafted an insurance scheme in which they would be the sole beneficiaries of a series of policies, in part without the knowledge of the 69-year-old Ms. Fox.

Following the recommendation from an insurance agent, the two allowed Pat Gorman to become a third-party investor in the policies. Looking for immediate returns on his investment, Mr. Gorman and his son allegedly stalked and eventually murdered Ms. Fox inside a Colleyville, Texas, house where she worked as a housekeeper.

The case is *Al Fox III, Individually and as Personal Representative of the Estate of Anita Fox v. Mark and Virginia Buckland*, Cause No. 348-277914-15. Also representing Fox at trial was Fears Nachawati lawyer Brice Burris.

Deans & Lyons Secures Settlement for Musician Injured By Car

Michael Lyons and Courtney Bowline of the Texas trial law firm [Deans & Lyons, LLP](#) have secured a confidential settlement on behalf of vocalist and musician Amy Boone, who sustained life-altering injuries when she was hit by a car in a parking lot near a popular Holly Street convenience store in Austin.

In a release, the firm said the lawsuit alleged that Boone, formerly of The Damnations and now The Delines, was injured in April 2016 as she walked through a parking lot where wheel stops had been removed and replaced with picnic tables. A motorist in the parking lot mistakenly depressed the accelerator rather than the brake, causing the vehicle to crash through a picnic table and pin Boone against the side of the building.

“What Amy has endured following this incident has been remarkably difficult,” said Boone’s attorney Michael Lyons, co-founder of Deans & Lyons. “It is nothing short of a miracle that Amy survived, but her life has been profoundly altered. Our hope is that this settlement will allow her to move forward to find a new normal for her life. She remains an incredibly thoughtful and talented woman and it was a pleasure to represent her.”

Boone endured eight surgeries during an initial month-long stay in the hospital. Despite extensive additional treatment, including surgery for placement of a large skin graft, the severity of her injuries resulted in an open wound on her leg more than 15 months after the incident. Following intensive therapy, she remains unable to walk without the assistance of a cane, according to the firm.

Best known in Austin for her work with The Damnations, an alt-country band she formed with her sister Deborah Kelly in the 1990s, Boone had been touring and recording with The Delines at the time of the accident.

The case is *Amy Boone v. Century Club, LLC, et al.*, Cause No. D-1-GN-16-005557 in Travis County District Court.

Collective Bargaining Agreements Must be Interpreted According to 'Ordinary Principles of Contract Law'

The U.S. Supreme Court has emphatically reaffirmed the requirement that collective bargaining agreements must be interpreted according to “ordinary principles of contract law” when deciding whether retired employees are entitled to health care benefits, according to a post by [Foster Swift Collins & Smith PC](#).

Richard C. Kraus and Mindi M. Johnson discuss *CNH Industrial N.V. v. Reese*.

“The case involved a dispute over union retiree health benefits. In 1998, CNH entered into a CBA which provided group health care benefits to certain employees set to retire under the company’s pension plan. After the CBA expired, a class of CNH retirees and surviving spouses initiated a lawsuit in federal court asking for declaratory judgment that they were entitled to health care benefits for life and seeking to enjoin CNH from modifying those benefits.”

[Read the article.](#)

Analysts: Giuliani's Media Blitz Gives Investigators New Leads, New Evidence



Image by Gage Skidmore

The Washington Post is [reporting](#) that legal analysts are saying Rudolph W. Giuliani's media blitz to convince the public that neither Donald Trump nor his lawyer had violated the law by paying a porn star to keep quiet about an alleged affair might have backfired, giving investigators new leads to chase and new evidence of potential crimes.

"His comments to media outlets underscore a growing tension for the White House: The FBI investigation of [lawyer Michael] Cohen presents a legal problem for the president that his own lawyer might have exacerbated," the report says.

As an example, Giuliani contradicted Trump's earlier assertion that he was unaware of a payment to an adult-film actress. "He might have been trying to get ahead of investigators in making public facts they already know, though legal analysts said his statements could reinforce any case they might bring."

[Read the Post article.](#)

Sluggish Supreme Court Poised to Deliver Big Decisions

The Supreme Court started the current term in October with a docket that could have a lasting impact on politics and culture, including major cases on partisan gerrymandering and LGBT rights, but six months later, the justices haven't crossed off much on their to-do list, points out [Todd Ruger](#) for [Roll Call](#).

That situation will result in some big decisions being handed down in the short time remaining before the end of the term in June.

"Speculation is rampant about what's going on behind closed doors on some of the big cases – such as one about arbitration that was argued on the first day of the term in October," writes Ruger. "Some legal experts say the court seems to be feeling out a new dynamic with Justice Neil Gorsuch in his first full term."

He quotes Adam Feldman, a postdoctoral fellow at Columbia Law School and creator of a high court statistics blog, Empirical SCOTUS, as saying some recent decisions had fractured the justices, with each seemingly wanting to have their own say, which "shows they're having trouble finding that point of consensus not along ideological grounds."

[Read the Roll Call article.](#)

New York Company Must Pay \$5.1 Million for Demanding Religious Practices From Employees

A New York federal jury awarded 10 former and current employees of a Long Island company \$5.1 million because the company was found to have forced them to practice certain religious activities, reports [The Washington Post](#).

Post contributor [Gene Marks](#) writes that the EEOC suit alleged that United Health Programs of America employees were being forced to follow an internal “Harnessing Happiness” system started by an aunt of the owners in 2007 that required them to engage in activities such as prayers, religious workshops and “spiritual cleansing rituals.”

“Nine employees said the ‘religiously infused atmosphere’ created a hostile work environment for them, and the jury agreed,” according to Marks. “The same jury also found that another employee was fired for opposing the practices. A judge had previously ruled that the Harnessing Happiness system – which was also known as ‘Onionhead’ – constituted a religion.”

[Read the Post article.](#)

Husch Blackwell Beats Suit Alleging It Tried to Silence Critic of Wealthy Client

A Missouri ruling is likely to end a contentious nine-year dispute between a local activist who claims that Husch Blackwell LLP, an AmLaw 100 firm – used the legal system to squelch his speech rights, according to [Bloomberg Law](#).

Reporter [Samson Habte](#) explains that the court's April 23 opinion highlights the difficulty of proving two types of tort claim – malicious prosecution and abuse of process – that disgruntled litigants could try to use to turn the tables on opposing parties and their lawyers.

The dispute started when John T. Impey ran for a school board seat and campaigned against a \$3 million bond proposal that L.J. Hart & Co. and its owner, Larry Joe Hart, underwrote. Husch Blackwell brought defamation and tortious interference lawsuit against Impey on Hart's behalf.

The firm obtained a preliminary injunction that prohibited Impey from repeating some accusations against Hart; but when the campaign ended – and the bond initiative failed – Husch Blackwell advised Hart to drop the defamation case.

[Read the Bloomberg article.](#)

Is the DNC's Lawsuit against Russia DOA?

Last week, the Democratic National Committee filed a lawsuit against the Russian Federation and the General Staff of the Armed Forces of the Russian Federation for a “brazen attack on American Democracy” in the 2016 presidential election.

The lawsuit accuses Russian intelligence of hacking into the DNC's computer system and stealing information to use to its advantage, including interfering in the 2016 presidential election. WikiLeaks, Donald Trump Jr., and the Trump campaign are also named as defendants.

In a post on the website of Androvett Legal Media & Marketing, Dallas attorney [David Coale](#) of [Lynn Pinker Cox & Hurst](#) says the lawsuit has a lot of interesting points, but doesn't think it will survive long-term judicial scrutiny.

“It's flashy, but it's hard to imagine it going very far. Civil cases are often stayed while criminal investigations are ongoing – like Mueller's – and the damages are not obvious. But the lawsuit does force everyone to keep the DNC in the loop while everything else unfolds.”

What to Do When You're in the Sexual Harassment Hot Seat



Meritas will present a [webinar](#) titled “When #MeToo Means #YouToo: What to do when you're in the sexual harassment hot seat.”

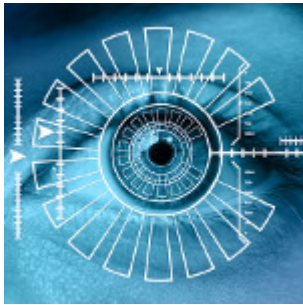
The event will be Wednesday, May 2, 2018, at 1 p.m. CDT.

“The #MeToo movement has many employers uncertain about the best ways to protect themselves from sexual harassment complaints and the right way to respond after a complaint has been made,” the firm says on its website. “This seminar will explore how our definitions of sexual harassment have evolved in the age of #MeToo and the misconceptions that have formed around this issue.”

“Participants will come away with actionable advice they can put to use to avoid the damage that such claims can create, not just in terms of liability but also in workplace culture, employee attraction and retention.”

[Register for the webinar.](#)

Could Be Forced to Pay Billions Over Alleged Violations of Illinois Biometrics Law



A federal judge's ruling means Facebook could face billions of dollars in damages if the court finds the company violated Illinois residents' privacy rights with its facial tagging feature, reports the [Chicago Tribune](#).

Reporter [Ally Marotti](#) explains that the potential penalty stems from a federal lawsuit filed in Illinois in 2015 that alleges the social media giant violated a state law protecting residents' biometric information, such as data from facial, fingerprint and iris scans. Illinois has one of the strictest biometric privacy laws in the nation.

Facebook has argued that if its collection of biometric information did not harm individuals, they do not have grounds to sue under Illinois' biometrics law. But the judge in the case determined that an alleged invasion of privacy was injury enough to allow users to sue.

[Read the Tribune article.](#)

Judge Says No to Law Firm on NFL Concussion Settlement

The Associated Press [reports](#) that a federal judge has denied a law firm's request to be added as an administrator of the NFL's estimated \$1 billion concussion settlement.

"U.S. District Judge Anita Brody rejected an attempt from the Locks Law Firm to join the process that compensates former players for head injuries they sustained during their careers. The firm had claimed that the process was going too slowly," according to the AP report.

Nearly 400 claims that could pay out more than \$416 million have already been approved.

[Read the AP report.](#)

Trump Alleged Scandals Turn a Harsh Spotlight on This Beverly Hills Lawyer

The growing scandal involving women who were paid during the 2016 presidential race to keep them quiet about their alleged affairs with Donald Trump has turned a harsh spotlight on Beverly Hills lawyer Keith M. Davidson.

The *Los Angeles Times* [reports](#) that two of those women once represented by Davidson have wound up firing Davidson and hiring new lawyers to get their nondisclosure deals voided.

Reporter [Michael Finnegan](#) writes: “Affable and streetwise, he operates on the fringe of entertainment law. His niche is extracting money from celebrities for clients threatening to release sex tapes or share embarrassing stories with the media.”

Now Davidson faces lawsuits alleging extortion.

[Read the LA Times article.](#)

Sandy Hook Parents Accuse Alex Jones, InfoWars of Defamation, Seek Damages



Image by [Sean P. Anderson](#)

The parents of children who died in the 2012 massacre at Sandy Hook Elementary School in Newtown, Conn., have accused conspiracy theorist Alex Jones and InfoWars of defamation and seek damages in excess of \$1 million, reports the [Austin Statesman](#).

Plaintiffs in two lawsuits filed in Austin, Texas, allege that Jones and his media organization spread false information related to the tragedy, according to reporter [Mark D. Wilson](#).

The *Los Angeles Times* [reports](#): “The lawsuits allege that Jones defamed the parents by constantly calling them ‘crisis actors’ and insisting the shooting was a ‘false flag’ operation; they also claim Jones’ accusations have led to death threats against the Sandy Hook families by Jones’ followers.”

[Read the Statesman article.](#)

Sexual Misconduct and D&O Claims

Kevin LaCroix, writing in [The D&O Diary](#), discusses a recent scholarly article that takes a detailed look at director and officer claims arising out of allegations of sexual misconduct.

The University of Chicago Law School article examines the potential bases of liability, and considers the relative social utility of this kind of litigation, as well as the practical implications for corporate boards and their

organizations.

LaCroix writes: “The authors conclude that ‘in some instances, corporate fiduciaries will indeed be liable to shareholders when workplace-sexual misconduct occurs at companies.’ In light of this conclusion, it would be prudent for companies and their executives to take steps to reduce their potential exposure to these kinds of suits.”

[Read the article.](#)

Making the Business Case for Upgrading Your Legal Hold System



An article published by Zapproved breaks down the results and explains the benefits of replacing an existing system – or lack thereof – with automated, cloud-based legal hold software.

The article [can be downloaded](#) at no charge.

Research results demonstrate a real rate of return on investment generated by automated cloud-based legal hold software, the company says on its website.

“E-discovery is expensive, but the risks of not handling it are even more costly,” Zapproved says on its website. “Many legal teams tend to focus their cost-reduction efforts on later phases of discovery, such as processing and review, overlooking the benefits of optimizing the preservation process. Yet putting in the effort to preserve and collect the right data has a trickle-down effect, saving money and time in every step that follows while minimizing potential spoliation. The question is, just how much can you save with effective preservation?”

[Download the article.](#)

JPMorgan Juror Says Doomed \$8 Billion Award Was Message to Bank



*Image by Ben
Sutherland*

Irelsie Alvarez said she and fellow jurors wanted to send JPMorgan Chase & Co. a message with their startling \$8 billion verdict in a Dallas probate case – an award that’s destined to be reduced to no more than \$90 million, [reports Bloomberg](#).

The trial was in late 2017, but lawyers for the bank company were back in court on Thursday, saying the defendant is entitled to a take-nothing verdict.

The widow of deceased American Airlines executive Max Hopper sued the bank for allegedly mismanaging the estate of her late husband.

Alvarez, a 26-year-old insurance agent, said she took the suggestion of lawyers for Hopper’s family that a big damage award was needed “in order to prevent this from happening again.”

Reporter [Tom Korosec](#) writes that the jury award was the largest of 2017 and the ninth-largest in U.S. history.

[Read the Bloomberg article.](#)

Target Pays \$3.7M to Settle Lawsuit Over Racial Disparity in Use of Criminal Background Checks



Image by [Mike Mozart](#)

The *Minneapolis Star Tribune* [is reporting](#) that Target Corp. has agreed to pay \$3.7 million to settle a lawsuit over concerns that the way it uses criminal background checks as part of the hiring process has disproportionately hurt black and Latino applicants.

Reporter [Kavita Kumar](#) quotes Sherrilyn Ifill, president of the NAACP Legal Defense and Educational Fund: “Target’s background check policy was out of step with best practices and harmful to many qualified applicants who deserved a fair shot at a good job. Criminal background information can be a legitimate tool for screening job applicants, but only when appropriately linked to relevant questions such as how long ago the offense occurred and whether it was a nonviolent or misdemeanor offense.”

As part of the settlement of the class-action complaint, independent consultants will recommend changes to Target’s current screening guidelines.

[Read the *Star Tribune* article.](#)