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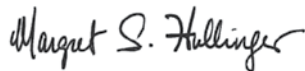
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Margret S. Hullinger
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- **The Fair Labor Standards Act, Third Edition** (p. 3)
- **How to Take a Case Before the NLRB, Ninth Edition** (p. 16)
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By **Kurt Heyman** and **Additional Contributors**

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NEW EDITION!
**The Fair Labor Standards Act,
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**Ellen C. Kearns, Aaron D. Kaufmann, and
 Dennis M. McClelland, Editors-in-Chief**

**Federal Labor Standards Legislation
 Committee, ABA Section of Labor and
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Now in its **Third Edition**, and with a reorganized chapter structure, **The Fair Labor Standards Act** is an essential tool for helping practitioners understand FLSA coverage and exemptions. With this resource, counsel can make informed decisions about why and how to proceed on a particular course for clients. Highlights of the new edition include an updated analysis of the evolving jurisprudence on arbitration of FLSA claims, including arbitration of collective actions, expanded analysis of the Section 7(i) retail sales or service establishment exemption, new discussion on FLSA coverage of interns, and a completely rewritten chapter analyzing independent contractor and joint employer issues. All discussions include meticulous citations, and footnotes with decisions broken out by Circuit.

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- Chapter 2.** Operations and Functions of the Department of Labor
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- Chapter 6.** Other Statutory Exemptions
- Chapter 7.** Agricultural Exemptions
- Chapter 8.** Compensable Hours
- Chapter 9.** Minimum Wage Requirements
- Chapter 10.** Overtime Compensation
- Chapter 11.** Government Employment
- Chapter 12.** Child Labor
- Chapter 13.** Retaliation
- Chapter 14.** Recordkeeping
- Chapter 15.** Department of Labor Enforcement and Remedies
- Chapter 16.** Litigation Issues
- Chapter 17.** Collective Actions

Ellen C. Kearns is a partner and the Wage and Hour Practice Group Co-Chair at Constangy, Brooks, Smith & Prophete, LLP, Boston, MA.

Aaron D. Kaufmann is a partner at Leonard Carder, LLP, San Francisco, CA.

Dennis M. McClelland is a partner and Board Certified Specialist in Labor and Employment Law at Phelps Dunbar, LLP, Tampa, FL.

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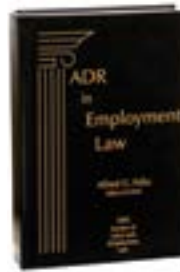
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ADR in Employment Law

Alfred G. Feliu, Editor-in-Chief

**Committee on ADR in Labor and Employment
 Law, ABA Section of Labor and Employment
 Law**

**A neutral, thorough look at every aspect of ADR in
 the employment setting.**

ADR in Employment Law provides a balanced analysis of the issues that arise in employment arbitrations, serving as an essential tool for any employment law and ADR practitioner.

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- **The preparation of pleadings**
- **The selection of ADR providers and arbitrators**
- **The rules and inner workings of the leading ADR providers**
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- **How to try a case before an arbitrator and what to expect at the hearing**
- **Requirements for an enforceable award**
- **Post-hearing challenges**
- **What approaches have resulted in the rare successful challenge to an award**

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Alfred G. Feliu is the principal of Feliu Neutral Services, LLC. A well-respected and nationally recognized arbitrator and mediator, he has over 30 years of experience in employment law, labor law, and commercial matters. He is a member of the American Arbitration Association's Complex Commercial Case, Class Action, and Employment Disputes Panels and is a recent past Chair of the New York State Bar Association's Labor and Employment Law Section. He has served as the EEO Officer for the Port of New York and New Jersey since 2006.

2015/722 pp. Hardcover/ISBN 978-1-57018-435-2

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Family Responsibilities Discrimination

By **Cynthia Thomas Calvert**, **Joan C. Williams**, and **Gary Phelan**

Covering the breadth of liabilities in this fast-growing area.

Family Responsibilities Discrimination provides everything lawyers need to know about this subject area. From the discussion of applicable federal, state, and local laws that cover family caregivers in

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- Part I. Introduction
- Part II. Federal Law Governing Family Responsibilities Discrimination
- Part III. State and Local Law Governing Family Responsibilities Discrimination
- Part IV. FRD and Particular Types of Employees
- Part V. Comparative Law

Cynthia Thomas Calvert is an employment attorney and President of Workforce 21C who has led the research behind FRD at the Center for WorkLife Law.

Joan C. Williams is a Distinguished Professor of Law and Founding Director of the Center for WorkLife Law at the University of California, Hastings College of the Law.

Gary Phelan is a shareholder at Mitchell & Sheahan, P.C., Stratford and Stamford, CT.

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Gregory K. McGillivray, Editor-in-Chief

Federal Labor Standards Legislation Committee, ABA Section of Labor and Employment Law

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Michael J. Ossip and **Robert M. Hale**, Editors-in-Chief; **Gail V. Coleman** and **Indira Talwani**, Associate Editors (Main Volume); **William Bush** and **James M. Paul**, Editors-in-Chief (2015 Cumulative Supplement)

Federal Labor Standards Legislation Committee, ABA Section of Labor and Employment Law

Understand the complex issues surrounding this seemingly simple statute.

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SUPPLEMENT INFORMATION >>>

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Michael J. Ossip is a partner in the Labor and Employment Practice of Morgan, Lewis & Bockius LLP, Philadelphia, PA.

Robert M. Hale is a partner in the Labor and Employment Practice of Goodwin Procter LLP, Boston, MA.

Gail V. Coleman is retired from the Department of Labor, where she served as Deputy Associate Solicitor for Fair Labor Standards.

Indira Talwani, a partner in Segal Roitman LLP, Boston, MA, at the time the main volume was written, is now a federal district court judge.

William Bush is a staff attorney with the Legal Aid Society of Middle Tennessee and the Cumberlandds, Cookeville, TN.

James M. Paul is a shareholder in Ogletree, Deakins, Nash, Smoak & Stewart, P.C., St. Louis, MO.

2006/980 pp. Hardcover with 2015 Cumulative Supplement

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Gregory K. McGillivray is a partner in Woodley & McGillivray, Washington, DC.

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Employment Discrimination Law, Fifth Edition

By **Barbara T. Lindemann**, **Paul Grossman**, and **C. Geoffrey Weirich** (Main Volume)

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- Part III.** Employment Actions
- Part IV.** The Parties

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Barbara T. Lindemann is formerly Of Counsel at Seyfarth Shaw and is co-author of Bloomberg BNA's *Age Discrimination in Employment Law* and *Workplace Harassment Law*.

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C. Geoffrey Weirich is the principal of Weirich Consulting and Mediation, Atlanta, GA.

Debra A. Millenson is the principal of The Millenson Law Firm in Washington, DC.

Richard J. Gonzalez is a professor of law at the Illinois Institute of Technology's Chicago-Kent College of Law, Chicago, IL.

Laurie E. Leader is a professor of law at the Illinois Institute of Technology's Chicago-Kent College of Law, Chicago, IL.

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Supplement History: 2014, \$305.00

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By **P. Daniel Williams**

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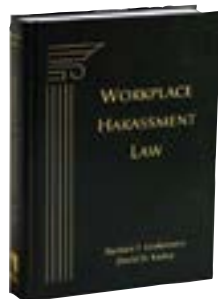
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P. Daniel Williams, Esq., is one of the founding partners of Magid & Williams, PA, Jacksonville, FL.

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- Part VIII.** Special Issues in Harassment Litigation

Barbara T. Lindemann is formerly Of Counsel at Seyfarth Shaw and is co-author of Bloomberg BNA's *Age Discrimination in Employment Law* and *Employment Discrimination Law*.

David D. Kadue is a partner at Seyfarth Shaw, Los Angeles, CA and is co-author of *Age Discrimination in Employment Law*.

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By **Christine Michelle Duffy, Esq.**, Editor-in-Chief and **Denise M. Visconti, Esq.**, State Laws Executive Editor

A groundbreaking, must-have resource.

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- **Practical solutions for HR professionals implementing policies, practices, and programs that respond to the changes in the law**
- **Intersections of gender and sexual orientation with culture, education, politics, religion, and the workplace**

In addition, this book features detailed case summaries, coverage of Title VII and ADA case law, and a comprehensive discussion of the challenges presented by LGBT terminology.

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Christine Michelle Duffy, Esq., is a Senior Staff Attorney with the Pro Bono Partnership in Parsippany, NJ.

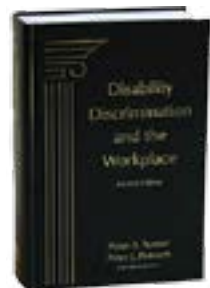
Denise M. Visconti, Esq., is Managing Shareholder of the San Diego, CA office of Littler Mendelson, P.C.

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NEW EDITION! Age Discrimination in Employment Law, Second Edition

By **Barbara T. Lindemann** and **David D. Kadue**; **Eric W. Iskra** and **Eric E. Kinder**, Editors-in-Chief

Federal Labor Standards Legislation Committee, ABA Section of Labor and Employment Law

A complete resource for bringing and defending age discrimination claims.

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Additional highlights include: description of the evolving role of the EEOC and EEOC litigation; the increasing role of arbitration in resolving age discrimination disputes; analysis of the latest decisions and regulations on the "reasonable factor other than age" defense; and analysis of the "but for" causation standard, including how the standard differs from Title VII and ADA practice.

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Overview and History; Persons Protected Under the ADEA; Identifying the Employer; Defining Age; Terms and Conditions of Employment; Mandatory Retirement; Reductions in Force; Harassment; Discharge; Retaliation; Disparate Treatment; Adverse Impact; EEOC Structure, Jurisdiction, and Process; Timeliness and Sufficiency of Charges; Jurisdiction, Timeliness, and Venue; Evidence; Summary Judgment; Jury Trials; Expert Witnesses; Affirmative and Other Defenses; EEOC Litigation; Public Employee Litigation; Collective Actions; Settlement and Release; Arbitration; Alternative Avenues for Relief; Remedies.

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Eric E. Kinder is a member at Spilman Thomas & Battle, PLLC, Charleston, WV.

2015/1,628 pp. Hardcover / ISBN 978-1-61746-675-5
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- Chapter 1.** Overview of Federal Disability Discrimination Law
- Chapter 2.** The Rehabilitation Act of 1973
- Chapter 3.** Americans with Disabilities Act: Legislative History
- Chapter 4.** State Disability Discrimination Laws
- Chapter 5.** Disabilities Protected by the Americans with Disabilities Act
- Chapter 6.** Access and Accommodation Issues
- Chapter 7.** The Americans with Disabilities Act and the Hiring Process
- Chapter 8.** Reasonable Accommodation
- Chapter 9.** Interplay of Related Workplace Statutes
- Chapter 10.** Remedies, Proof, Litigation Strategies, and Alternative Dispute Resolution

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Peter J. Petesch is a shareholder at Littler Mendelson P.C., Washington, DC.

2011/1,572 pp. Hardcover / ISBN 978-1-57018-794-0
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New Supplement Due Fall 2016.

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EEOC Litigation and Charge Resolution, Second Edition

By **Donald R. Livingston** and **Reed L. Russell**

An exclusive, inside look at the legal and procedural issues that arise in litigating with the EEOC.

This treatise presents an insider's view of the EEOC that helps legal practitioners more effectively handle investigations, conciliations, and litigation. It explains and demystifies the commissioner charge process, sponsored litigation, the subpoena process, requirements for settlements, and much more. This one-of-a-kind reference addresses important topics including updates on subpoena enforcement actions, rules concerning the EEOC's conciliation obligations, and special considerations when litigating against the EEOC.

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Chapter 5. EEOC Charge Filing and Investigations
Chapter 6. Representing the Charging Party
Chapter 7. Charge Investigations
Chapter 8. Commissioner Charges and Other EEOC Initiated Investigations
Chapter 9. Handling EEOC Investigations on Behalf of Respondents
Chapter 10. Respondents' Position Statements
Chapter 11. Disposition of Charges
Chapter 12. Conciliation Process
Chapter 13. EEOC Conciliation Agreements
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Donald R. Livingston is a partner at Akin Gump, Washington, DC, and former EEOC General Counsel, 1990-93.

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2014/996 pp. Hardcover/ISBN 978-1-61746-032-6
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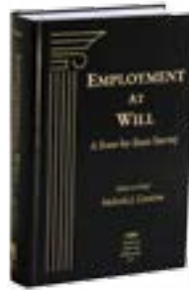
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Employment At Will: A State-by-State Survey

Melinda J. Caterine, Editor-in-Chief

Employment Rights and Responsibilities Committee, ABA Section of Labor and Employment Law

Get detailed analysis of state law causes of action for wrongful termination.

This is a comprehensive analysis of the employment at will doctrine, as well as the unique exceptions that various states have applied. This treatise uses a uniform topic structure to provide a comparative view across states, as well as to allow for research on an individual state. This format is extremely helpful for lawyers with a multi-jurisdictional practice, as well as for those seeking persuasive authority to expand or limit the law in their own state. Topics include:

- **The creation of enforceable employment agreements through employee handbooks, written personnel policies, and oral assurances**
- **Common law claims for wrongful discharge**
- **The covenant of good faith and fair dealing**
- **The public policy exception to the doctrine of employment at will**
- **The burden of proof necessary to sustain a claim of wrongful discharge**
- **What constitutes "just cause" for purposes of termination**
- **The effect of disclaimers on the employment at will relationship**
- **Potential damages in a wrongful discharge claim**
- **Related tort claims arising out of the employment relationship**
- **State statutes prohibiting termination based on classifications**

SUPPLEMENT INFORMATION >>>

Updates in the **2015 Cumulative Supplement** include:

- **California: a discrimination lawsuit may be pursued even though the employee presented false work authorization documents**
- **Florida: an employer in the process of winding down its business may be held liable for additional compensation where it gave at-will employees assurances of future compensation if they did not resign**
- **Illinois: an employer violated a specific-duration contract by terminating an employee for inadequate performance when the individual's level of performance was not a term in the contract**
- **New Jersey: a "yearly review" did not negate an employee's at-will status and did not convey a "property right" triggering due process**
- **Virginia: the public policy exception to employment at will does not extend to claims of wrongful discipline**

Melinda J. Caterine is a partner at the Portland, ME and Boston offices of Littler Mendelson P.C., a national labor and employment firm representing management.

2011/1,318 pp. Hardcover with 2015 Cumulative Supplement
Order #9685P/\$490.00

2015 Cumulative Supplement alone/ISBN 978-1-61746-685-4
Order #2685/\$320.00

Supplement History: 2014, \$315.00/2013, \$295.00

New Cumulative Supplement Due Winter 2016.

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Part I. Practice and Law
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2011/1,354 pp. Hardcover/ISBN 978-1-57018-718-6
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Covenants Not to Compete: A State-by-State Survey, Tenth Edition

By **Brian M. Malsberger**
 Chief Contributing Editor: **Luke A. Suchyta**
 Board of Review Associate Editors:
David J. Carr, Arnold H. Pedowitz, and Eric Akira Tate

Committee on Employment Rights and Responsibilities, ABA Section of Labor & Employment Law

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SUMMARY OF CONTENTS

Each State Chapter Addresses:

- Statutes Governing Enforceability
- Employer's Protectable Interests
- Proof of Existence of a Covenant
- Consideration Issues
- Courts' Power to Modify the Covenant
- Obtaining a Preliminary Injunction
- Establishing Irreparable Harm
- Standard of Review on Appeal
- Enforceability After Firing
- Period of Injunction, Damages Available
- Liquidated Damages Clauses
- Choice of Law Rules
- References to Law Review Articles/Other Publications

The treatise also contains a comprehensive review of major topics, including: Ambiguity, Anticipatory Repudiation, Arbitration, Assignment, At-Will Employees, Attorney's Fees, Bankruptcy, Change in Work Territory, Corporate Practice of Medicine Doctrine, Effect of Employer's Breach, Extension-of-Time Provisions, Independent Contractors, Inevitable Disclosure Doctrine, Malpractice, Physicians, Prospective vs. Actual Customers, Selective Enforcement, Statute of Frauds, Statute of Limitations, and Termination for Refusal to Sign.

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Trade Secrets: A State-by-State Survey, Fifth Edition

By **Brian M. Malsberger**
 Chief Contributing Editor: **Luke A. Suchyta**
 Board of Review Associate Editors: **David J. Carr, Arnold H. Pedowitz, and Eric Akira Tate**

Committee on Employment Rights and Responsibilities, ABA Section of Labor & Employment Law

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- Whether a corporate entity can be capable of engaging in the type of conduct required to support a punitive damages award
- The extent to which the Uniform Trade Secrets Act preempts common law claims for unfair competition and breach of the employee duty of loyalty

SUMMARY OF CONTENTS

Each State Chapter Addresses:

- State's Definition of "Trade Secret"
- Courts' Interpretations Under the Statute, Uniform Trade Secrets Act, and Common Law
- Policy Considerations Recognized by Courts
- Evidence Establishing the Elements of a Trade Secret and of a Misappropriation Claim
- Courts' Justifications for Denial of Protection
- Types of Information Granted Trade Secret Protection
- Types of Relief Granted for the Misappropriation of Trade Secrets
- Level of Protection for "Proprietary Information"
- References to Law Review Articles/Other Publications

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New Supplement Due Winter 2016.

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Authors and Editors of the State-by-State Survey Series

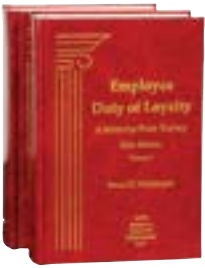
Brian M. Malsberger, a Bloomberg BNA Senior Editor, Arlington, VA, is the author of *Covenants Not to Compete: A State-by-State Survey*; *Employee Duty of Loyalty: A State-by-State Survey*; *Tortious Interference in the Employment Context: A State-by-State Survey*; and *Trade Secrets: A State-by-State Survey*.

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Employee Duty of Loyalty: A State-by-State Survey, Fifth Edition

By **Brian M. Malsberger**

Board of Review Associate Editors: **David J. Carr, Arnold H. Pedowitz, and Eric Akira Tate**

Committee on Employment Rights and Responsibilities, ABA Section of Labor & Employment Law

A complete guide to causes of action, procedural issues, leading cases, and emerging trends in all 50 states and the District of Columbia.

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Extensive discussions of state law, broken out by category of employee—from “mere employees” to “officers and directors”—show the reader how the duty of loyalty is applied depending on the level of responsibility an employee has within an organization.

Employee Duty of Loyalty: A State-by-State Survey includes Finding Lists and detailed chapter contents, appendices containing relevant Restatement excerpts, extensive quotations from the case law, and cross-references to other titles in the Bloomberg BNA State-by-State Survey Series. This question-and-answer reference is the premier resource available on how each state addresses the employee duty of loyalty.

SUPPLEMENT INFORMATION >>>

The **2015 Cumulative Supplement** updates the **Fifth Edition** with discussion of critical issues, including: the appropriate statute of limitations; the duty owed by management-level at-will employees; whether breaching a noncompetition covenant can also operate as a breach of fiduciary duty; the possibility of a cause of action against third parties for aiding and abetting a fiduciary in breaching his duty; whether an employee breaches her duty by using her employer’s files to prepare her discrimination claim; the duty owed by corporate officers and directors; and whether a claim for breach of the duty may be preempted by the Uniform Trade Secrets Act.

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Each State Chapter Addresses:

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- Limitations on Competition by Employee During and After Employment
- Prohibition Against Use of Employer’s Proprietary Information
- Prohibition Against Taking Kickbacks and Bribes
- Remedies
- Injunctive Relief
- Employee Defenses
- Distinctions Among Categories of Employees
- Illustrative Cases
- Law Review Articles/Other Publications

See p. 8 for author information.

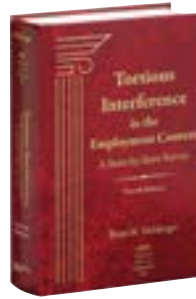
2013/2 Volumes/3,500 pp. Hardcover with 2015 Cumulative Supplement
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2015 Cumulative Supplement alone/ISBN 978-1-61746-684-7
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Supplement History: 2014, \$270.00

New Edition Due Fall 2016.

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Tortious Interference in the Employment Context: A State-by- State Survey, Fourth Edition

By **Brian M. Malsberger**

Board of Review Associate Editors: **David J. Carr, Arnold H. Pedowitz, and Eric Akira Tate**

Committee on Employment Rights and Responsibilities, ABA Section of Labor & Employment Law

Up-to-date coverage of critical tortious interference issues in the competitive-employment context.

Tortious Interference in the Employment Context: A State-by-State Survey, Fourth Edition examines both business-versus-business suits, and suits brought by former employees against employers. Using a uniform outline and an easy-to-use, question-and-answer format, the treatise examines—for each state—the elements of the cause of action, the defenses that may be successfully raised, and the types of relief available.

SUPPLEMENT INFORMATION >>>

Questions addressed in the **2015 Supplement** include:

- Whether at-will employment can form the basis of a tortious interference claim
- Whether an unenforceable employment agreement can form the basis of a tortious interference claim
- The availability of attorney’s fees
- Whether a tortious interference claim may be displaced by the Uniform Trade Secrets Act
- The viability of a tortious interference claim where the former employer cannot demonstrate the breach of a postemployment restrictive covenant

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Elements of a Former Employer’s Claim Regarding Recruiting or Hiring an Employee With a Restrictive Covenant:

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- Claims for Interference Involving the Restrictive Covenant Itself
- Claims Against the New Employer Where the Employment Was At Will
- Claims Where the Employment Was for a Definite Term
- Defenses to Claim
- Relief Available to Former Employer
- Similar Claims Recognized by States

Common Issues:

- Hiring Measures by a New Employer for Screening Applicants With Restrictive Covenants
- Practical Advice to a Company Considering Hiring Such an Applicant
- Indemnification
- Personal Liability of Individual Officers or Employees of Former Employer for Interference
- Law Review Articles/Other Publications

See p. 8 for author information.

2014/1,630 pp. Hardcover with 2015 Supplement
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New Supplement Due Winter 2016.

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Workplace Data: Law and Litigation

Robert Sprague, Editor-in-Chief

Committee on Technology in the Practice and Workplace, ABA Section of Labor and Employment Law

The full guide to workplace e-discovery and data privacy law.

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Workplace Data addresses relevant issues such as:

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- **A comprehensive analysis of data retention requirements in federal labor and employment statutes**
- **Privacy and discovery issues associated with social media and devices owned by either the employer or employee**
- **International workplace-related privacy laws**

SUPPLEMENT INFORMATION >>>

The **2014 Supplement** includes:

- **Updates on legal developments related to workplace data**
- **Discussion of analyzing proportionality relative to ESI under Federal Rule of Civil Procedure 26(b)(2)(C)(iii)**
- **Discussion of discovery standards before the National Labor Relations Board**
- **Detailed discussion of social media discovery issues**

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Chapter 6. General Evidentiary Issues for Workplace-Related ESI

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Robert Sprague is an Associate Professor of Legal Studies at the University of Wyoming College of Business and a member of the Editorial Board of the *American Business Law Journal*.

2013/875 pp. Hardcover with 2014 Supplement

Order #9426P/\$375.00

2014 Supplement alone/ISBN 978-1-61746-426-3

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New Edition Due Winter 2016.

www.bna.com/bnabooks/wdl



Canadian Labour and Employment Law for the U.S. Practitioner, Third Edition

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It provides helpful summaries of Canadian Supreme Court decisions and reviews developments in the law involving freedom of association and collective bargaining, severance payment, termination of contractors, data management, surveillance, workplace harassment, and bullying.

SUPPLEMENT INFORMATION >>>

The **2015 Cumulative Supplement** includes discussion of:

- **Major developments from the Supreme Court of Canada regarding the constitutional guarantee of freedom of association, including the right to strike**
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—**R.O. MacDowell**, Former Chair, Ontario Labour Relations Board, on the *First Edition*

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Appendices • Table of Cases • Index

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Daniel Mayer is an associate in Fasken Martineau's Toronto office.

2011/816 pp. Hardcover with 2015 Cumulative Supplement

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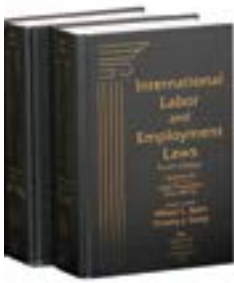
2015 Cumulative Supplement alone/ISBN 978-1-61746-676-2

Order #2676/\$235.00

Supplement History: 2014, \$230.00/2013, \$205.00

New Edition Due Winter 2016.

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International Labor and Employment Laws, Fourth Edition, Volumes IA and IB

William L. Keller (deceased) and **Timothy J. Darby**, Editors-in-Chief (Main Volume);

Timothy J. Darby and **Ute Krudewagen**, Editors-in-Chief (2016 Supplement)

International Labor and Employment Law Committee, ABA Section of Labor and Employment Law

The unparalleled reference on labor and employment laws governing the world's major economies.

Providing vital information about labor and employment laws in the world's major economies, the **Fourth Edition** covers litigation of international employment disputes, compensation for internationally mobile executives, negotiation of expatriate employment agreements, the top ten issues for U.S. employers doing business in another country, and more.

SUPPLEMENT INFORMATION >>>

Highlights covered in the **2016 Supplement** include:

- **France** – expansion of whistleblowing laws
- **Germany** – modifications to notice of, grounds for, and protections against termination provisions
- **Italy** – amendments regarding fixed-term employment contracts
- **Spain** – interception of employee communications without court order
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Part 4. Miscellaneous Countries

South Africa, China, Hong Kong, Japan, Brazil

Volume IB: Major Economies (NAFTA) and International Issues

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Canada, Mexico, United States, Northern Mariana Islands, Puerto Rico

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International Employers Associations

The World Trade Organization

The Role of Administrative Tribunals in Adjudication of Workplace Rights Within International Organizations

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Compensating the Internationally Mobile Executive

Negotiating and Drafting Expatriate Employment Agreements

Litigation of International Employment Disputes

Social Networking and the Global Workforce

Impact of International Human Rights Law on Labor and Employment Law

William L. Keller, (deceased), was a partner in Hunton & Williams, Dallas, TX and the former chair of the ABA Section of Labor and Employment Law.

Timothy J. Darby is a former project director at Bloomberg BNA, Arlington, VA.

Ute Krudewagen is a partner with DLA Piper, East Palo Alto, CA.

2015/2 Volumes/4,768 pp. Hardcover with 2016 Supplement

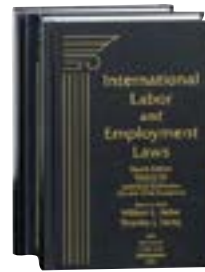
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New Cumulative Supplement Due Winter 2016.

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International Labor and Employment Laws, Fourth Edition, Volumes IIA and IIB

William L. Keller (deceased) and **Timothy J. Darby**, Editors-in-Chief

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SUPPLEMENT INFORMATION >>>

The **2015 Cumulative Supplement's** coverage includes:

- **Denmark** – analysis of the Danish Act on Equal Remuneration's anti-discrimination provisions
- **The Netherlands** – discussion of occupational pension plans
- **Poland** – review of extension of types of work that may be performed on Sundays and public holidays
- **Portugal** – new law pertaining to collective bargaining
- **Sweden** – expansion of the definition of disability
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Middle East: Israel, Saudi Arabia

Oceania: Australia, New Zealand

South America: Argentina, Chile, Venezuela

William L. Keller, (deceased), was a partner in Hunton & Williams, Dallas, TX and the former chair of the ABA Section of Labor and Employment Law.

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2013/2 Volumes/3,426 pp. Hardcover with 2015 Cumulative Supplement

Order #9692P/\$530.00

2015 Cumulative Supplement alone/ISBN 978-1-61746-692-2

Order #2692/\$205.00

Supplement History: 2014, \$200.00

New Cumulative Supplement Due Winter 2016.

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Restrictive Covenants and Trade Secrets in Employment Law: An International Survey, Volumes I and II

Wendi S. Lazar and Gary R. Siniscalco, Editors-in-Chief; Katherine Blostein, Associate Editor (2015 and 2016 Cumulative Supplements)

International Labor and Employment Law Committee, ABA Section of Labor and Employment Law

A must-have resource for companies and attorneys dealing with trade secrets or covenants in employment agreements.

This treatise explores the differences among countries in regulating noncompetition and nonsolicitation provisions and in imposing restrictions related to confidential information and trade secrets, as well as use of garden leave and restrictions on equity compensation in this area. Each country-specific chapter is written by highly regarded local lawyers and examines applicable country law; international conventions and treaties; practical issues in drafting restrictive covenants; practical issues, strategies, and tactics in trade secret protection and enforcement; forum options; jurisdiction; and discovery.

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- **Confidentiality, Trade Secret, and Other Duties and Restrictive Covenants in a Global Economy**, written by Editors-in-Chief **Wendi S. Lazar** and **Gary R. Siniscalco**
- **The Challenge of Cross-Border Litigation from an EU Perspective**, written by **Paul Goulding, QC**, a noted British barrister who has litigated key cases in Europe and has written his own book on European issues, *Employee Competition: Covenants, Confidentiality, and Garden Leave* (Oxford University Press)

SUPPLEMENT INFORMATION >>>

Vol. I, 2015 Cumulative Supplement updates include:

- Hungary** – Civil Code's protection of confidential information and trade secrets
- Norway** – review of proposed new rules on restrictive covenants
- United Kingdom** – review of the limits of the implied duty of confidentiality
- Ukraine** – review of new Law on Personal Data Protection

Vol. II, 2016 Cumulative Supplement updates include new analysis on the laws of Israel, Lebanon, Philippines, Saudi Arabia, South Africa, Taiwan, Thailand, Vietnam, and more.

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Order #2696/\$210.00

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Volume II: 2016 Cumulative Supplement alone/ISBN 978-1-61746-697-7
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Supplement History: 2014, \$210.00/2013, \$195.00

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Privacy in Employment Law, Fourth Edition

By **Matthew W. Finkin**

Know the extent—and limits—of individual rights and employer authority.

This treatise offers guidance on employee/employer rights and the limits of employer authority in securing information about applicants and employees, disclosing such information, and controlling activities in the U.S.

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SUPPLEMENT INFORMATION >>>

The **2015 Cumulative Supplement** includes:

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Matthew W. Finkin is the Albert J. Harno and Edward W. Cleary Chair in Law at the University of Illinois, where he also holds appointments in the Center for Advanced Study and the School of Labor and Employment Relations.

2013/1,268 pp. Hardcover with 2015 Cumulative Supplement
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Supplement History: 2014, \$120.00

New Cumulative Supplement Due Winter 2016.

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The Uniformed Services Employment and Reemployment Rights Act

George R. Wood and **Ossai Miazad**,
Editors-in-Chief

Federal Labor Standards Legislation Committee, ABA Section of Labor and Employment Law

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2009/534 pp. Hardcover with 2015 Cumulative Supplement
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2015 Cumulative Supplement alone/ISBN 978-1-61746-702-8
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Supplement History: 2014, \$190/2013, \$185.00

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NLRA Rights in the Nonunion Workplace

By **Kenneth T. Lopatka**

An exploration of the NLRA’s application in the nonunion workplace.

NLRA Rights in the Nonunion Workplace concentrates exclusively on the broad application of the National Labor Relations Act (NLRA) outside the union workplace to help practitioners spot potential NLRA issues, understand the options and associated risks, and render sound advice to their clients.



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Miriam H. Wugmeister is a partner in the New York, NY, office of Morrison & Foerster LLP and is chair of the firm’s Privacy and Data Security Practice Group.

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- Chapter 8.** Denial of Access to Outsiders
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Kenneth T. Lopatka is an adjunct professor at the Charleston Law School, Charleston, SC.

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Unfair Competition and Intellectual Property Protection in Employment Law: Contract Solutions and Litigation Guide

By **M. Scott McDonald** and **Jacqueline C. Johnson**

Guidance for legal counsel assisting employers with unfair competition and IP protection issues.

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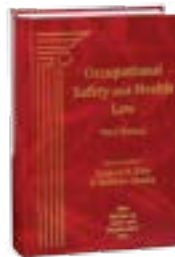
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Jacqueline C. Johnson is a shareholder at Littler Mendelson P.C. in Dallas, TX.

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Occupational Safety and Health Law, Third Edition

Gregory N. Dale and **P. Matthew Shultz**,
Editors-in-Chief

Occupational Safety and Health Law Committee,
ABA Section of Labor and Employment Law

Legal analysis of judicial and administrative decisions related to the OSH Act.

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Gregory N. Dale is a partner with Faegre Baker Daniels in Indianapolis, IN.

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2013/1,500 pp. Hardcover/ISBN 978-1-61746-313-6
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The Developing Labor Law: The Board, The Courts, and The National Labor Relations Act, Sixth Edition

John E. Higgins, Jr., Editor-in-Chief (Main Volume); **Gwynne A. Wilcox**, **Steven D. Wheelless**, and **Barry J. Kearney**, Editors-in-Chief (2015 Cumulative Supplement)

Committee on Development of the Law Under the NLRA, ABA Section of Labor and Employment Law

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SUPPLEMENT INFORMATION >>>

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John E. Higgins, Jr., is an adjunct faculty member at the Columbus School of Law, The Catholic University of America, Washington, DC, and is retired from the NLRB, where he served as a Board member and as Acting General Counsel.

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2012/2 Volumes/3,582 pp. Hardcover with 2015 Cumulative Supplement

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2015 Cumulative Supplement alone/ISBN 978-1-61746-682-3

Order #2682/\$245.00

Supplement History: 2014, \$230.00/2013, \$210.00

New Cumulative Supplement Due Winter 2016.

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NEW EDITION! How to Take a Case Before the NLRB, Ninth Edition

John E. Higgins, Jr., Brent Garren, and David A. Kadela, Editors-in-Chief

Committee on Practice and Procedure Under the NLRA, ABA Section of Labor and Employment Law

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2016/Approx. 1,600 pp. Hardcover/ISBN 978-1-61746-302-7
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Winning at the NLRB, Second Edition

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Matthew M. Franckiewicz is a labor and employment arbitrator, who served as an NLRB attorney for 14 years. He has handled hundreds of investigations.

Daniel Silverman, former director of the NLRB's New York Regional Office and former acting general counsel to the Board, is currently an adjunct professor of law and co-director of the Labor and Employment Clinic at the Benjamin N. Cardozo School of Law. He also is a partner in Silverman & Silverman, LLP, Brooklyn, NY, and a labor mediator and arbitrator.

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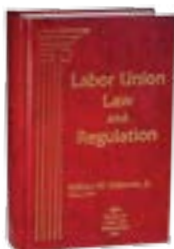
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William W. Osborne, Jr., Editor-in-Chief

Committee on Union Administration and Procedure, ABA Section of Labor and Employment Law

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other represented employees, and includes in-depth discussion of the Labor-Management Reporting and Disclosure Act (LMRDA). The treatise differs from the traditional approach to labor union law that organizes the subject by statutes and, instead, arranges chapters by subject or function of operation of various federal and state regulations. This approach facilitates a clearer, more practical understanding of this complex area of the law and the interaction of its various requirements.

SUPPLEMENT INFORMATION >>>

Highlights in the 2015 Cumulative Supplement include:

- New developments under the LMRDA regarding the use of electronic mail in internal union elections
- Presentation of the critically important issues of union security law in the public sector under *Abood v. Detroit Board of Education* in the aftermath of the Supreme Court's decisions in *Knox v. Service Employees Local 1000* and *Harris v. Quinn* and in anticipation of its consideration of the issues in *Friedrichs v. California Teachers Ass'n*
- NLRB case law regarding the Union's obligation to monitor its Facebook page
- Section 301 preemption issues arising from disputes under the AFL-CIO Constitution

"Until now, there has not been a reference work to analyze the complex area of internal union affairs and the rights of individual employees as they interact with unions. This valuable book is one that I keep close at hand."

—Charles I. Cohen, Former NLRB Member and Management Attorney; Partner, Morgan, Lewis & Bockius LLP, Washington, DC

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- Chapter 2. Union Finances: Funding, Fiduciary Responsibilities, and Reporting and Insurance Issues
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- Chapter 6. Legal Relations Between Related and Autonomous Labor Organizations
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William W. Osborne, Jr., Osborne Law Offices, P.C., Washington, DC, has engaged in the practice of union-side labor law and employee representation since 1976.

2003/1,060 pp. Hardcover with 2015 Cumulative Supplement
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Supplement History: 2013, \$205.00/2011, \$195.00

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The Railway Labor Act, Third Edition

Chris A. Hollinger, Editor-in-Chief (Main Volume)
Douglas W. Hall and Michael L. Winston, Editors-in-Chief (2015 Cumulative Supplement)

Railway and Airline Labor Law Committee, ABA Section of Labor and Employment Law

For representation disputes, major disputes, statutory disputes, and collective bargaining.

Meticulously researched and written by leading practitioners from the ABA Section of Labor and Employment Law's Committee on Railway and Airline Labor Law, this treatise helps characterize the nature of a union-management dispute and identify how to pursue party interests.

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- Contract-formation decisions pertaining to collective bargaining agreements
- Enforcement of collective bargaining agreements, including discussion of procedural and substantive unconscionability

SUPPLEMENT INFORMATION >>>

The 2015 Cumulative Supplement contains citations and discussions of notable judicial, administrative, and legislative developments since publication of the **Third Edition** in 2012 through June 30, 2014, including the following:

- The National Mediation Board's latest showing of interest requirements with respect to its representation election procedures
- Court decisions addressing employee representation and seniority-integration issues that arise from carrier mergers and acquisitions
- Court decisions addressing the distinction between major and minor disputes

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- Chapter 6. Negotiation of Collective Bargaining Agreements
- Chapter 7. Enforcement of Collective Bargaining Agreements
- Chapter 8. Exercise of Economic Weapons
- Chapter 9. Accommodating the RLA and Other Laws
- Chapter 10. Changes in Corporate Structure: Effects on Representation and Collective Bargaining
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Chris A. Hollinger is a partner in the San Francisco office of O'Melveny & Myers and a member of the Labor and Employment Practice.

Douglas W. Hall is a partner in the Washington, DC office of FordHarrison LLP, and a member of the firm's Airline Practice Group.

Michael L. Winston is a partner in Cohen, Weiss and Simon LLP, New York, NY.

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- **Statutory and non-statutory labor exemptions to antitrust laws and issues involving secondary boycott laws**

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Part III. Safety and Workers' Compensation

Part IV. NLRA Concerns

Part V. Miscellaneous Issues

Part VI. Trust Fund and ERISA Concerns

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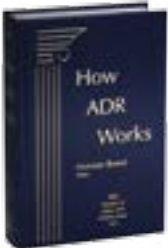
James W. Wimberly, Jr., and **Martin H. Steckel** are senior principals and **Les A. Schneider** is a managing partner in the firm of Wimberly, Lawson, Steckel, Schneider & Stine, Atlanta, GA, and represent construction-related entities of all types and sizes from owners to general contractors to subcontractors and suppliers.

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Part IV. Drafting Issues

Norman Brand has been engaged in dispute resolution full time since 1983 and is a member of the National Academy of Arbitrators, a Fellow of the College of Labor and Employment Lawyers, a Fellow of the American College of Employee Benefits Counsel, and past president of the California Dispute Resolution Council. Brand has been voted a “Super Lawyer in ADR” in Northern California.

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Elkouri & Elkouri: How Arbitration Works, Seventh Edition

Kenneth May, Editor-in-Chief
Patrick M. Sanders and **Michelle T. Sullivan**,
 Associate Editors

Committee on ADR in Labor and Employment Law, ABA Section of Labor and Employment Law

The standard text on labor arbitration.

The reference of first resort, this treatise has been utilized and cited by advocates, arbitrators, and judges more

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SUPPLEMENT INFORMATION >>>

The **2014 Supplement** includes a section on social media, a section on sports arbitration, extension of discussion of First Amendment issues in the public sector beyond freedom of speech to other issues such as freedom of religion, discussion of proposed changes to NLRB policy on deferral to arbitration, and discussion of security at hearings.

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Kenneth May is a lead editor of *Labor Arbitration Reports*, a component of Bloomberg BNA's *Labor Relations Reporter*, Arlington, VA, and a member of the Executive Board of the Labor and Employment Relations Association.

Patrick M. Sanders, previously a partner in Lathrop & Gage LLP representing management, is now general counsel for the Mungenast Automotive Family, St. Louis, MO. He is a past co-chair of the Committee on ADR in Labor and Employment Law.

Michelle T. Sullivan is Director of Labor Relations, University of Michigan Health Systems, Ann Arbor, MI. She is a past co-chair of the Committee on ADR in Labor and Employment Law.

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Discipline and Discharge in Arbitration, Third Edition

Norman Brand and **Melissa H. Biren**,
 Editors-in-Chief

Committee on ADR in Labor and Employment Law, ABA Section of Labor and Employment Law

A complete guide to the latest workplace awards and standards.

In **Discipline and Discharge in Arbitration, Third Edition**, the companion volume to **Elkouri and Elkouri: How Arbitration Works**, specialists analyze the standards and rationales used by labor arbitrators

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Norman Brand has been engaged in dispute resolution full time since 1983 and is a member of the National Academy of Arbitrators, a Fellow of the College of Labor and Employment Lawyers, a Fellow of the American College of Employee Benefits Counsel, and past president of the California Dispute Resolution Council. Brand has been voted a “Super Lawyer in ADR” in Northern California.

Melissa H. Biren has more than 30 years' experience in labor and employment matters. She has been a full-time arbitrator and mediator since 2002 resolving workplace disputes in the public and private sectors, and is a member of the National Academy of Arbitrators. She is Chair of the NY/NJ Metro Region of NAA and past president of NJ LERA.

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- Part 1. Discharge and Discipline: In General
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- Part 16. Wages and Hours

Karen L. Ertel is the Director of Bloomberg BNA's Labor, Employment, Benefits, and HR news desk and a contributor to the ABA/Bloomberg BNA treatise *The Fair Labor Standards Act*.

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Charles S. Loughran is a labor arbitrator, mediator, attorney, and fact finder based in Oakland, CA, with over 40 years of experience in labor and employee relations.

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Robert M. Cassel has specialized exclusively in labor and employment law representing management since 1962. He has been a partner in major San Francisco, CA, law firms and now practices from his own law office in Marin County, adjacent to San Francisco.

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Michael H. Granof has been a Professor of Accounting at University of Texas at Austin, Austin, TX, since 1972.

Jay E. Grenig is a Professor of Law at Marquette University Law School, Milwaukee, WI, where he teaches alternative dispute resolution and civil procedure.

Moira J. Kelly is an adjunct assistant professor at Marquette University Law School, Milwaukee, WI, and president of Kelly Consulting LLC, New Berlin, WI.

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Court Gifford, Editor

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- **BLS data on major strike activity in the U.S. from 1947 to 2015**
- **American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) headquarters and state officials**
- **Names and addresses of Change to Win officers and unions**
- **An analysis of union representation elections supervised by the National Labor Relations Board in 2015**
- **Tables showing union membership in each state and as a percentage of the state workforce in 2014 and 2015**
- **The appendices include BLS tables on union membership and earnings, an AFL-CIO report on membership in unions, and a chart listing union financial reporting requirements under the Labor-Management Reporting and Disclosure Act and the Civil Service Reform Act**

The **Directory** also provides complete coverage of union membership, including total national membership, state-by-state membership, work stoppages, and union representation elections.

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Higher Earnings, Membership by State, Major Work Stoppages and Lockouts, Largest Unions, AFL-CIO Membership, Change to Win, Union Elections, Union Member Rights, Union Reporting Requirements

Part II. National Union Headquarters

Part III. Local, Intermediate, and Independent Unions by State and City

Part IV. American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)

Departments, Trade and Industrial Departments, Executive Council, Affiliated Unions, State Federations and Central Labor Councils

Part V. Change to Win (CTW)

Leadership Council, Affiliated Unions

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Websites, Abbreviations, Officers and Key Staff, Labor Organizations

Court Gifford is a former editor of Bloomberg BNA's *Daily Labor Report*, Washington, DC.

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Roger I. Abrams is the Richardson Professor of Law at Northeastern University School of Law, Boston, MA.

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The Common Law of the Workplace: The Views of Arbitrators, Second Edition

Theodore J. St. Antoine, Editor
National Academy of Arbitrators

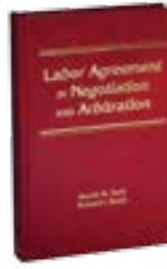
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Theodore J. St. Antoine is the James E. and Sarah A. Degan Emeritus Professor of Law at the University of Michigan Law School, Ann Arbor, MI.

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Labor Agreement in Negotiation and Arbitration, Second Edition

By **Arnold M. Zack** and **Richard I. Bloch**

A guide to understanding the formulation and administration of labor agreements.

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Arnold M. Zack is a labor arbitrator based in Boston, MA.

Richard I. Bloch is a labor arbitrator based in Washington, DC.

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Adolph M. Koven (deceased) was a prominent arbitrator for nearly 40 years.

Susan L. Smith is with the University of California at San Diego, San Diego, CA.

Kenneth May, Editor-in-Chief, is a lead editor of *Labor Arbitration Reports*, a component of Bloomberg BNA's *Labor Relations Reporter*, Arlington, VA, and a member of the Executive Board of the Labor and Employment Relations Association.

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Ray J. Schoonhoven (deceased), Editor

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Ray J. Schoonhoven (deceased) was a partner in Seyfarth Shaw, Chicago, IL, where he specialized in employment law and labor relations.

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- **Pub. L. No. 113-295:** extended numerous IRC provisions, including: parity for employer-provided mass transit and parking benefits, tax-free distributions from individual retirement plans for charitable purposes, and provisions relating to multiemployer defined benefit pension plans

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Part 5. Indexes

Index to ERISA, IRC, and Related Regulations
Index to PHSa

Sharon F. Fountain, Esq., is Managing Editor for Compensation Planning at Bloomberg BNA Tax & Accounting, Arlington, VA.

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- **PBGC regulations on partitions of eligible multiemployer plans, Title IV treatment of rollovers from defined contribution plans to defined benefit plans, multiemployer plans, and electronic filing requirements (proposed)**
- **IRS regulations on hybrid retirement plans, suspension of benefits under the Multiemployer Pension Reform Act of 2014 (final and proposed), employee remuneration in excess of \$1 million under IRC §162(m), and employee retirement benefit plans returns required on magnetic media (proposed)**

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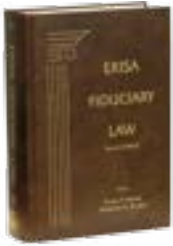
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SUPPLEMENT INFORMATION >>>

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- Chapter 1.** Overview of ERISA Fiduciary Law
- Chapter 2.** Application of Plan Asset Rules to Plan Investments and Contributions
- Chapter 3.** Fiduciary Issues in Welfare Plans
- Chapter 4.** Named Fiduciaries
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- Part 2. Statutory Prohibited Transaction Exemptions Added by the Pension Protection Act of 2006**
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- Topical Index**

Donald J. Myers is a retired partner with Morgan, Lewis & Bockius LLP, Washington, DC, and former counsel for ERISA regulation at the Department of Labor.

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Employee Benefits Committee, ABA Section of Labor and Employment Law

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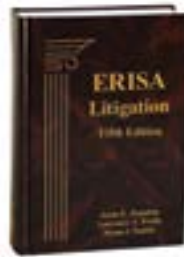
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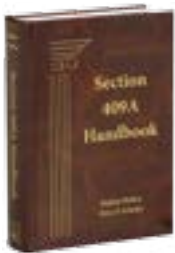
Susan J. Stabile is Professor of Law and Faculty Fellow for Spiritual Life at the University of St. Thomas School of Law, Minneapolis, MN.

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The Affordable Care Act: Law and Regulations, Annotated, 2015 Edition

Sharon F. Fountain, Esq., Editor

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Part II contains the final regulations implementing the Affordable Care Act from the Department of Labor, Department of Health and Human Services, and Department of the Treasury, as well as lists of proposed regulations.

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- Adds the text of relevant provisions of **Pub. L. 114-125, the "Trade Facilitation and Trade Enforcement Act of 2015,"** which amends the **Tariff Act of 1930 to strengthen protection against infringing imports**

The accompanying CD-ROM contains the full text of the book and additional useful material such as the Rules of Practice of the U.S. Court of Appeals for the Federal Circuit, key international treaties, legislative history, and more, including the text of any proposed patent reform bills. The **June 2016 Edition** adds the text of two copyright-related treaties: "The Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled" and "The Beijing Treaty on Audiovisual Performances." Both treaties were transmitted to the Senate for its advice and consent by the President on February 10, 2016.

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U.S. Code, Title 15, Chapter 107, Protection of Intellectual Property Rights

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Part 4. U.S. Code, Title 17, Copyrights

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Jeffrey M. Samuels is Professor Emeritus of the University of Akron School of Law. He was formerly the David L. Brennan Professor of Law and Director, Center for Intellectual Property Law and Technology, at the University of Akron School of Law; the Assistant Commissioner for Trademarks, U.S. Patent and Trademark Office; and Managing Editor of Bloomberg BNA's *Patent, Trademark & Copyright Journal*.

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SUPPLEMENT INFORMATION >>>

The **April 2016 Supplement** adds the following:

- **Patents:** amendments to the rules of practice for trials before the Patent Trial and Appeal Board
- **Trademarks:** a revision to the schedule of goods and services for trademarks
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James D. Crowne is the Director of Legal Affairs for the American Intellectual Property Law Association (AIPPLA) and was formerly the Managing Editor of Bloomberg BNA's *Patent, Trademark & Copyright Journal*.

Binder with April 2016 Supplement/ISBN 978-1-68267-030-9

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Supplement History: November 2015, \$210.00/August 2015, \$210.00/April 2015, \$210.00

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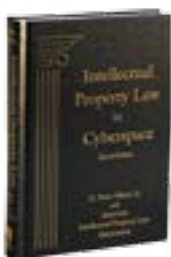
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Intellectual Property Law in Cyberspace, Second Edition

G. Peter Albert, Jr., Editor-in-Chief

American Intellectual Property Law Association (AIPLA)

The critical resource practitioners need to protect and enforce clients' IP rights on the internet.

This treatise offers information on IP law within the shifting frontiers of the internet. Topics covered include: the latest on the global top-level domains and registration options; protecting clients and clients' reputations and sites on the internet; conducting business online; online gaming; and the application of traditional IP legal concepts to email, online navigation tools, consumer protection, and virtual property.

SUPPLEMENT INFORMATION >>>

The **2015 Cumulative Supplement** adds discussions of: the federal court decision in *White v. West Publ'g Corp.* on transformative use in searchable files; the Copyright Office's rulemaking designating classes of works exempt from the prohibitions against circumvention of technological measures that control access to copyrighted works; the ruling in *Authors Guild, Inc. v. Google Inc.* finding Google Books, a service that reproduces sections of copyrighted works so that users may perform searches of the material, sufficiently transformative to satisfy that element of fair use; an Eleventh Circuit ruling in *Warehouse Solutions, Inc. v. Integrated Logistics, LLC* that the functionality of a software program was not entitled to trade secret protection under the Georgia Trade Secrets Act even though the program was password protected; and more.

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Supplement History: 2014, \$230.00/2013, \$215.00

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Intellectual Property, Software, and Information Licensing: Law and Practice

By Xuan-Thao N. Nguyen, Robert W. Gomulkiewicz, and Danielle M. Conway

Successfully identify, acquire, and transfer rights to protected IP through licensing.

This treatise provides the information and tools practitioners need to develop comprehensive licensing agreements, rectify existing problems, maximize returns within legal boundaries, anticipate new concerns, and avoid potential pitfalls. Unlike other licensing treatises, which focus on either drafting practice or theory, this treatise draws from the authors' wealth of professional expertise to develop a balanced treatment that is both practical and theoretical in its approach.

It offers in-depth coverage of such specialized topics as upstream licensing and Open Source licenses, bankruptcy issues in licensing, tax concerns in licensing, misuse and antitrust questions in licensing, federal government procurements and licensing, and privacy and information licensing.

SUPPLEMENT INFORMATION >>>

New in the **2015 Cumulative Supplement**:

- Analysis of cases including *Cambridge University Press v. Patton*, examining the issue of fair use of textbooks made available in electronic format; *Ellington v. EMI Music, Inc.*, addressing ambiguous intent; *Virntex, Inc. v. Cisco Systems, Inc.*, discussing royalties in patent infringement litigation; and *Sanofi-Aventis v. Glenmark Pharmaceuticals*, analyzing questions of implied licenses
- Expanded discussions of licensing versus sub-licensing and the transfer thereof (e.g., *MDS (Canada) v. Rad Source Techs.*), as well as intellectual property used as collateral (*ProviderX of Grapevine LLC v. Provider Meds LC*)
- New section discussing the priority of security interest in intellectual property and addressing disputes between (i) a secured creditor and judgment lienor and (ii) a secured creditor and bankruptcy trustee (in *Priestley v. Panmedix, Inc.*, a security agreement between a debtor and a group of creditors was found to be a fraudulent transfer)

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Supplement History: 2014, \$240.00/2013, \$225.00

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Intellectual Property Taxation: Transaction and Litigation Issues, Second Edition

By **Jeffrey A. Maine** and **Xuan-Thao N. Nguyen**

Comprehensive and clear explanations of the tax treatment of major IP transactions and decisions.

This treatise considers, on a comparative basis, the tax implications of major business transactions involving both traditional and emerging forms of intellectual property. The authors' analyses strike a perfect balance between explaining the technical tax considerations and elucidating their implications for complex IP transactions.

The **Second Edition** includes "Planning Pointers" and "Practical Checklists" related to the tax consequences of creating, acquiring, and transferring intellectual property; expanded coverage of popular tax planning strategies used in connection with IP; additional discussions in "plain English" of transfer pricing and cost sharing arrangements; and a new chapter on estate planning for intellectual property.

SUPPLEMENT INFORMATION >>>

The **2015 Supplement** adds significant tax developments affecting intellectual property and litigation, including:

- **Congress' extension of research tax credit with the Tax Increase Prevention Act of 2014**
- **IRS final regulations governing the deductibility of research and experimental expenditures under section 174; new regulations dealing with the alternative simplified credit under section 41(c)(5); and long-awaited, favorable proposed regulations with respect to the development of internal-use software**
- **Recent IRS rulings addressing the deductibility of royalties paid under a patent license and the deductibility of legal fees incurred in defense against patent infringement, as well as recent rulings denying tax exempt status to software organizations**

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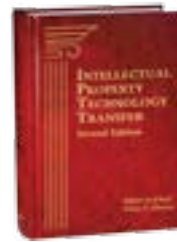
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Intellectual Property Technology Transfer, Second Edition

Aline C. Flower, Editor-in-Chief

A resource that demystifies the process of technology transfer—for both sides of the negotiating table.

This treatise provides the legal framework for the licensing and research between industry and federally and privately funded laboratories over technology development and transfer and associated intellectual property rights. Mapping out the legal landscape in the burgeoning field of technology transfer, this unique resource provides a comprehensive analysis of all of the central legal issues confronting and governing the interactions between industry interests and research laboratories doing basic research.

The treatise provides analysis and insights on:

- **National security and export controls on technologies**
- **Elimination of the research exemption from IP infringement for universities and the impact on industry-sponsored university research**
- **Recent developments in the federal government's march-in rights and the extent of federal authority over technologies resulting from federally funded research**
- **Review of new entrepreneurial models for transferring technology into the marketplace**
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- **International technology transfer**

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Aline C. Flower is the associate general counsel for global development with the Bill and Melinda Gates Foundation, Bainbridge Island, WA.

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NEW!

Patents After the AIA: Evolving Law and Practice

By **Alan J. Kasper, Brad D. Pedersen, Ann M. Mueting, Gregory D. Allen, and Brian R. Stanton**

American Intellectual Property Law Association (AIPLA)

An innovative treatise on tactical and strategic patent decisions.

This comprehensive treatise provides a self-contained, single volume desk-reference and guide to tactical and strategic patenting decisions for patent professionals after the most comprehensive revision to U.S. patent law since 1952, the America Invents Act (AIA). The AIA fundamentally altered U.S. patent law by transitioning from a "First-to-Invent" to a "First-Inventor-to-File" patent system. The pragmatic style of **Patents After the AIA: Evolving Law and Practice** provides insights and advice for patent application preparation and filing, post-issuance review and challenges to patentability, and ongoing international patent law harmonization. It also provides historical and legislative discussions and practical foundational discourses.

Patents After the AIA: Evolving Law and Practice includes the following unique content:

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- **In-depth analysis and policy discussions explain complex changes to the law**
- **A glossary of more than 400 terms and phrases with concise definitions and descriptions, intended to enhance the precision and consistency of patent law discussions regarding the intent, implementation, and impact of the AIA, addresses the existing lack of clear terms and phrases that capture the fundamental changes to U.S. patent law encompassed by the AIA**

Thousands of footnotes provide support for the treatise and serve as easy references for the reader to find the source materials that are discussed, including U.S. patent-related statutes, legislation, case law, and United States Patent and Trademark Office (USPTO) practice guidance (e.g., guidelines, regulations, and policies), giving the patent professional *direct reference* to the statutory, judicial, regulatory, and policy standards relevant to the issues which patent professionals encounter on a day-to-day basis. Key documents are provided in an online appendix.

"[A]n essential resource.... The treatise presents both practical and strategic advice regarding the preparation, prosecution, evaluation, enforcement, and litigation of U.S. utility patents after the passage of the AIA.... —David J. Kappos, former Director, U.S. Patent and Trademark Office

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The authors have had extensive experience with the legislation and regulations for the AIA, having served in various capacities both within AIPLA and on other bar committees that were responsible for analysis and comment on the AIA and subsequent regulations.

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THE AMERICAN INTELLECTUAL PROPERTY LAW ASSOCIATION (AIPLA)

The **AIPLA**, founded in 1897, is a national bar association constituted primarily of lawyers in private and corporate practice, in government service, and in the academic community. It represents a wide and diverse spectrum of individuals, companies, and institutions involved directly or indirectly in the practice of patent, trademark, copyright, trade secret, and unfair competition law, as well as other fields of law affecting intellectual property. Its members represent both owners and users of intellectual property. For more information, visit www.aipla.org.



NEW!

The PTAB Handbook

By **Pillsbury Winthrop Shaw Pittman LLP**
William P. Atkins, Editor-in-Chief

Practice before the Patent Trial and Appeal Board with confidence.

New from Bloomberg BNA, this invaluable handbook gathers intellectual property (IP) decisions issued by the Patent Trial and Appeal Board (Board or PTAB) of the United States Patent and Trademark Office

(USPTO) into a single, useful reference that informs readers of the best methods for conducting work before the Board. The PTAB was created by the America Invents Act as a streamlined alternative to the slower and more cumbersome route IP litigation takes in federal court. **The PTAB Handbook:**

- **Helps readers navigate this new process more successfully**
- **Provides insightful guidance from the PTAB's growing body of decisions on how to work within the complex rules and procedures governing the Board**
- **Offers extensive citations to the United States Code, the Code of Federal Regulations, the Federal Register, the USPTO Manual of Patent Examining Procedure, federal case law, and, of course, the orders of the Board and its many panels**

Since the PTAB's inception, more than 3,800 petitions have been filed, and thousands of decisions have been provided by more than 225 Administrative Patent Judges, and its output continues to grow. The authors have meticulously reviewed and analyzed the PTAB orders from the inception of the Board until this book was provided to the publisher, synthesizing the case law into the appropriate parts of this handbook. **The PTAB Handbook** explains how the Board is and has been applying its rules and making its decisions. The reader will have the benefit of this analysis and guidance, thereby saving countless hours of research.

As the PTAB continues to issue decisions, quarterly revisions of this handbook will be published on **Bloomberg Law** and **Bloomberg BNA's Intellectual Property Resource Center** and provided in an annual print edition, and the book will continue to grow along with the PTAB's body of work.

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Pillsbury Winthrop Shaw Pittman LLP is a full-service law firm with a keen industry focus on energy and natural resources, financial services, real estate and construction, and technology.

William P. Atkins is a partner in the Intellectual Property Section of Pillsbury Winthrop Shaw Pittman LLP. Bill has been lead counsel in more than 100 intellectual property litigations during his 24 years with the firm.

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NEW!

European Patent Practice for U.S. Attorneys

By **Edward J. Kelly, Charles D. Larsen, Anita Varma, and Christopher P. Carroll**
Ropes & Gray LLP

Explore substantive and procedural differences between European patent law and U.S. patent law.

As Europe progresses toward ratifying the European Unitary Patent and Unitary Patent Court, and the U.S. adjusts to *Alice* and the Patent Trial and Appeal Board, a major global sea change in patent law is afoot. This change will greatly impact the relevance and global impact of European patent rights, as European patents become enforceable in all European Patent Convention (EPC) states. That change will likely trigger the need for U.S. companies to pursue more extensive European patent protection. To help prepare for the new Europe, **European Patent Practice for U.S. Attorneys** provides attorneys, agents, and technical advisors with a useful and practical understanding of how European patent rights are secured.

This useful guide helps U.S. patent attorneys obtain an understanding of basic European patent law, develop European patent practice skills, avoid mistakes, and succeed at the European Patent Office. It provides a comprehensive overview of the European patent law as compared to U.S. patent law that enables the reader to understand European Patent Office (EPO) concepts and procedures, focusing on key differences between the U.S. and the EPC. It also provides concise examples of various European patent prosecution techniques and numerous procedural recommendations for EPO patent prosecution.

In particular, this guide helps attorneys:

- **Decide whether to file for European patent rights on inventions that are important to a U.S. business**
- **Avoid mistakes made during the prosecution of a European application that can jeopardize the related U.S. patent position**
- **Expedite victory in the U.S. by learning how to successfully prosecute a European patent**
- **Become more advanced practitioners of global patent law by comparing EPO and United States Patent and Trademark Office (USPTO) practice, as well as European and United States patent laws**

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New Supplement Due Fall 2016.

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Patent Prosecution: Law, Practice, and Procedure, Ninth Edition

By Irah H. Donner

Effectively prepare and process a patent application, protect a client's patent, or invalidate an infringing one.

This treatise provides essential analysis of significant changes to U.S. patent law resulting from decisions of the Supreme Court, the Federal Circuit, and the Patent Trial and Appeal Board. The book places new substantive discussions in context with existing patent laws and regulations, and also explains prosecution rules from the U.S. Patent and Trademark Office (PTO). Written by a seasoned patent lawyer, the three-volume text offers an element-by-element analysis of areas of patent law that form the basis of common PTO rejections and objections, and which can also be used in litigation in federal court.

The **Ninth Edition** is updated to analyze and highlight the significance of recent Supreme Court cases on patent issues such as patent-ineligible abstract ideas, patentability of products of nature, claim definiteness, and induced infringement. It highlights Federal Circuit decisions on patent issues, including the doctrine of equivalents; the patentability of live-born clones; and the Federal Circuit court's authority under the America Invents Act.

SUPPLEMENT INFORMATION >>>

The **2016 Supplement** adds discussion of:

- **U.S. Supreme Court decisions: *Teva Pharmaceuticals USA, Inc. v. Sandoz, Inc.*, rejecting *de novo* review on appeal for all claim constructions, ruling that some constructions involve factual findings that are entitled to deference; and *Commil USA, LLC v. Cisco Systems, Inc.*, where the Court held that an accused infringer's belief that a patent is invalid does not serve as a defense to charges of inducing infringement of the patent**
- **Federal Circuit en banc decisions: *Akamai Techs., Inc. v. Limelight Networks, Inc.*, on remand from the Supreme Court, where a unanimous en banc court held direct infringement of method claim was established because performance of one of the method steps by customers was attributable to the accused infringer; *Williamson v. Citrix Online, LLC*, which held en banc that prior decisions indicating that the presumption was "strong" when a claim term is not a means-plus-function element were incorrect**

- ***DDR Holdings, LLC v. Hotels.Com, L.P.***, in which the Federal Circuit held patent eligible a system that generated and directed a visitor to a hybrid web page that combined product information from a third-party and visual "look and feel" elements from a host website
- **Several Federal Circuit decisions interpreting the America Invents Act (AIA) statute, including *Cuozzo Speed Technologies, LLC* upholding the "broadest reasonable interpretation" standard for Inter Partes Reviews (IPRs), which the Supreme Court granted certiorari**

The accompanying searchable electronic appendix updated for the **2016 Supplement** offers a comprehensive Cumulative Case Digest with an extensive compilation of precedential language, organized by specific issue, in favor of patentability.

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Irah H. Donner is a partner in the Intellectual Property Department of Stroock & Stroock & Lavan LLP, New York, NY.

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- **Conversion from a First-to-File to a First-to-Invent patent system, along with changes to definitions of prior art under 35 U.S.C. §102**
- **Discussion of *Bilski v. Kappos*, *Mayo Collaborative Services v. Prometheus Laboratories, Inc.*, *Association for Molecular Pathology v. Myriad Genetics Inc.*, and *Alice Corp. Pty. Ltd. v. CLS Bank Int'l* regarding patent-eligible subject matter**
- **Exclusion of tax strategies and human organisms from patent-eligible subject matter under the AIA**
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Irah H. Donner is a partner in the Intellectual Property Department of Stroock & Stroock & Lavan LLP, New York, NY.

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NEW EDITION! Constructing and Deconstructing Patents, Second Edition

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- **Inequitable conduct decisions in the wake of Therasense**
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Part V. The Patent Office

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Federal Circuit Practice
General Legal Principles

Robert L. Harmon (deceased) was a partner with the Chicago intellectual property law firm of Brinks Gilson & Lione (Brinks) for 33 years, where he specialized in patent litigation.

Cynthia A. Homan is a partner at Brinks where she specializes in patent litigation, with an emphasis on brief writing. She has been involved in many appeals, most in the Federal Circuit, and is past chair of the firm’s Appellate Practice Group.

Laura A. Lydigsen is a partner at Brinks where she focuses her practice on Hatch-Waxman litigation and appellate practice. She currently chairs the firm’s Appellate Practice Group through which she enjoys working on Federal Circuit appeals across a broad range of technologies.

Charles M. McMahon practiced law at Brinks from 1999–2015 and is now a partner with McDermott Will & Emery in Chicago. His practice includes all aspects of patent law, with a particular focus on litigation.

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Robert L. Harmon (deceased) was a universally respected, meticulous, and successful patent litigator who also served as a special master, arbitrator, and expert witness in patent infringement cases. He worked at Brinks Gilson & Lione, Chicago, IL, for 33 years.

“Bob Harmon has combined more than 150 years of case law with his 45 years of experience into a one-volume treatise that achieves its intended purpose—it provides the answer to virtually any patent law question that a lawyer may encounter.”

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Appendices

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- **Discussion of settlement and alternative dispute resolution in an expanded chapter on Hong Kong**
- **Extended analysis of patent infringement and trial procedure in the Hungary chapter**
- **Updated Taiwan chapter incorporating the Patent Act effective March 24, 2014, introducing border measures as administrative protection, and other changes**

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Post-Grant Patent Practice, Second Edition

By **Bruce H. Stoner, Jr., Nancy J. Linck, Carol A. Spiegel, and Richard Torczon**

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This essential treatise provides a complete roadmap to post-issuance procedures, helping patent professionals to challenge and defend patents and address possible mistakes made during the prosecution of a patent application, including mistakes made by the U.S. Patent and Trademark Office (PTO). The book's authors—four former PTO Administrative Patent Judges—provide guidance on America Invents Act (AIA) post-grant review, inter partes review, covered business method review, and derivation proceedings. The treatise also examines reissue, ex parte and inter partes reexamination, disclaimers, certificates of correction, and interference practice. It includes the PTO's final regulations and the U.S. Code sections governing all post-grant practice. Highlights in the **Second Edition** include:

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Bruce H. Stoner, Jr., is a former Chief Administrative Patent Judge of the Board of Patent Appeals and Interferences of the USPTO, currently the Patent Trial and Appeal Board, and served as Chief Judge until his retirement from federal service, when he joined Greenblum & Bernstein P.L.C.

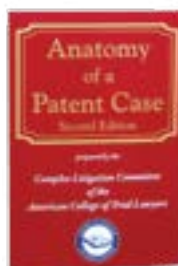
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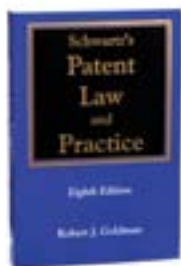
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William P. Atkins is a partner in the Intellectual Property Group of Pillsbury Winthrop Shaw Pittman LLP, McLean, VA.

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- Analysis of the Federal Circuit's decision on remand and in other cases following the Supreme Court's decision in *Ultramercial, LLC v. Hulu, LLC*
- Discussion of USPTO rules issued in 2015 implementing the Hague Agreement Concerning the International Registration of Industrial Designs

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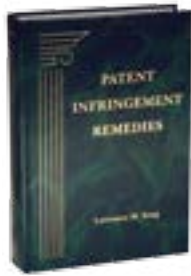
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Supplement History: 2014, \$235.00/2013, \$220.00

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Patent Infringement Remedies

By Lawrence M. Sung

A key resource on the law and practice governing patent infringement remedies.

This essential guide helps patent practitioners advise clients on managing all aspects of their patent portfolios. Author Lawrence M. Sung—a patent attorney with 20 years of experience in patent counseling, litigation, and technology transfer—ties analyses of case law to examples of significant relief to clients whose patents have been infringed. The book covers

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SUPPLEMENT INFORMATION >>>

The 2012 Cumulative Supplement addresses:

- *Aero Prods. Int'l, Inc. v. Intex Rec. Corp.* and duplicative recovery
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- *Uniloc USA, Inc. v. Microsoft Corp.* and reasonable royalties
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Lawrence M. Sung is a registered patent attorney with a Ph.D. in microbiology who has nearly 20 years of experience in biotechnology, medical device and pharmaceutical patent counseling, litigation, and technology transfer. Dr. Sung has served as a consultant to the National Human Genome Research Institute and as a member of the National Academies Standing Committee on Emerging Issues and Data on Environmental Contaminants. He has also testified before the U.S. House of Representatives Committee on the Judiciary, Subcommittee on Courts, the Internet, and Intellectual Property on the role of gene patents.

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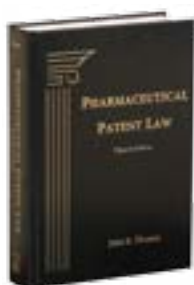
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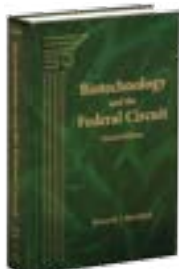
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Bradley C. Wright, Editor-in-Chief

ABA Section of Intellectual Property Law

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- **Halliburton Energy Services v. M-I LLC**
- **Mayo Collaborative Services v. Prometheus Labs**

SUPPLEMENT INFORMATION >>>

The **2015 Cumulative Supplement** includes discussion of the Supreme Court’s ruling in *Nautilus, Inc. v. Biosig Instruments, Inc.*, which clarified the proper standard for avoiding indefiniteness, and its impact in a variety of areas; the Supreme Court’s decision in *Teva Pharmaceuticals USA, Inc. v. Sandoz, Inc.*, in which the Court overruled the Federal Circuit’s en banc decision in *Lighting Ballast Control LLC v. Philips Electronics North America Corp.*, and concluding that claim construction is not a pure question of law; new discussion of the USPTO’s revised December 2014 Subject Matter Eligibility Guidelines; the Federal Circuit’s decision on remand from the Supreme Court in *Akamai Tech., Inc. v. Limelight Networks, Inc.*; exploration of the Federal Circuit’s recent applications of the Supreme Court decision in *Alice Corp. v. CLS Bank*; and more.

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Bradley C. Wright is a senior partner at Banner & Witcoff, Ltd., Washington, DC.

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Supplement History: 2014/\$215.00

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Secondary Trademark Infringement

By **Jane Coleman** and **Griffith B. Price, Jr.** (Main Volume); **Jane Coleman** and **Naresh Kilaru** (2015 Cumulative Supplement)

Thorough analysis and guidance on this rapidly growing area of intellectual property law.

This treatise is the first and only work that provides a comprehensive treatment of the law of contributory and vicarious trademark infringement, combining in-depth examination of the case law with expert practical

insights into litigating secondary liability cases. Attorneys and business executives will benefit from its practical approach to detailed case law, analysis, commentary, and practice notes.

Practice notes feature real-world litigation examples and highlight substantive and procedural issues in secondary trademark infringement cases—from both the trademark owner's and the accused infringer's point of view. Issues covered include: recovery of damages and injunctive relief, guidelines for trademark protection and enforcement, as well as risk management for internet service providers and other service providers.

Beginning with the early "passing off" cases, this treatise covers the rapidly expanding areas of trademark law involving the internet.

It covers key topics in the field, such as:

- **Infringement liability of businesses that offer internet facilities to third parties using trademarks or trademark-protected goods in commerce, including retailers, auctioneers, and distributors**
- **Company exposure to liability for the online activities of their hosting customers or advertisers**
- **Legal issues arising from web-hosting and other internet infrastructure or connectivity**
- **Exposure reduction measures for companies that do not use trademark directly, but are part of a commercial chain of activity**
- **Corporate officers' liability for the trademark infringement of their companies**

SUPPLEMENT INFORMATION >>>

The **2015 Cumulative Supplement** covers new developments and material, including expansion of Chapter 8 to include licensors and licensees, addressing the status of licensors as contributory liability defendants and provides guidance on how the courts should view licensors' relationships with their licensees; analysis in Chapter 4 of the Ninth Circuit's blanket rejection of contributory cybersquatting in *Petroleum Nasional Berhad v. GoDaddy.com, Inc. (GoDaddy)*, following the Supreme Court's denial of the plaintiff's petition for writ of certiorari in that case; discussion in Chapter 3 of the courts' further movement away from a rigid reading of *Tiffany's* requirement of "specific knowledge of infringement"; and new Practice Notes on franchisor liability for acts of franchisee and on pleading vicarious liability claims.

"The book is logically and meticulously well-organized and easy to read and use as a reference. Enhanced by an engaging and user-friendly writing style, and a straightforward approach to its subject, the book offers analysis of the applicable case law as well as practice notes. It's an instant necessity for the desktop or bookshelf of any serious trademark practitioner."

—**Robert C. Cumbow**, Attorney, Graham & Dunn PC

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Jane Coleman is creator of and author at secondarytrademarkinfringement.com, and a former Assistant Director in the Legal Affairs department for the national office of the Anti-Defamation League in New York, NY.

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Get the most practical guide to litigating trademark and other Lanham Act cases.

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SUPPLEMENT INFORMATION >>>

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First Amendment and the Lanham Act's prohibition of registration of disparaging marks, likelihood of confusion factors in various circuits, false advertising, false endorsement, and defenses such as genericness, mere descriptiveness, acquiescence, and laches; cases involving prejudgment interest awards, and addition of a section on special monetary relief for counterfeiting; updates relating to subject-matter jurisdiction, and decisions relating to failure to state a claim; new topics added relating to the interaction of preliminary injunction motions and arbitration agreements; appellate review of discovery orders; various percentages considered by courts in determining whether a mark is generic; updated case law on the importance of using controls in surveys; and more.

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Products Comparison Manual for Trademark Users, Third Edition

By **Francis M. Pinckney**
David R. Higgins, Contributing Author

The only resource available for product comparisons with cites to *U.S. Patents Quarterly*, unpublished decisions of the TTAB, PTO's *Official Gazette*, and TTAB proceeding numbers.

This essential resource will guide practitioners through the Trademark Trial and Appeal Board's (TTAB) and the courts' findings on similarity of products for trademark registration and enforcement. It covers 87 years of court and Board decisions and allows practitioners to search them electronically on an accompanying CD-ROM.

The **Third Edition** contains more than 85,000 product comparisons, decided by the courts and the TTAB. It also includes citations for every comparison, making it easy to find decisions on the Patent and Trademark Office (PTO) website or in Bloomberg BNA's *U.S. Patents Quarterly*. Virtually all of the comparisons also are provided on an accompanying CD-ROM, allowing for electronic searching and linking, in most cases, to the full-text decisions either on the PTO's TTAB Decisions website, or for Bloomberg BNA subscribers, on the *IP Resource Center*.

To help practitioners conduct the most complete search possible of similar products, the authors have analyzed the findings of the courts and/or the Board in order to impose editorial uniformity on the descriptions of products listed in the cases and have assigned U.S. Class numbers to each product. The **Third Edition** covers TTAB proceedings and court decisions through December 2012, including approximately 3,300 comparisons from that year alone.

SUPPLEMENT INFORMATION >>>

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U.S. Classes

Francis M. Pinckney, retired, was Of Counsel for K&L Gates LLP, Charlotte, NC, where he focused his practice solely on intellectual property. Mr. Pinckney received his Juris Doctor degree (with Honors) from the George Washington University Law School, Washington, DC. He was listed in "The Best Lawyers in America" from 1995 to 2010, when he retired.

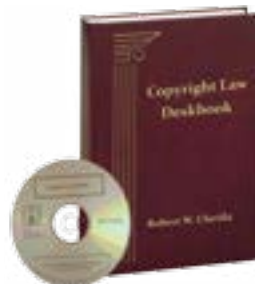
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By **Robert W. Clarida**

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Copyright Law Deskbook comes with an online Annotated Case Digest that covers every significant copyright law decision from 1993 to May 16, 2015. This Case Digest includes a compilation of Robert W. Clarida's annual case law summaries that have been published each year, beginning in 1993, in the *Journal of the Copyright Society of the U.S.A.*

"Anyone with questions about copyright law would be well advised to look for the answers in Robert Clarida's **Copyright Law Deskbook**. There is no one more knowledgeable than Bob, who always manages to explain complicated issues in a way that not only experts, but those who are new to the field, can readily comprehend. I highly recommend this book, which is a well-written, valuable guide to understanding the basics and the intricacies of copyright law."

—**Judith M. Saffer**, Assistant General Counsel, Broadcast Music Inc., New York, NY;
Former President of the Copyright Society of the USA; Former President of the AIPLA;
President of the AIPPI-USA

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Robert W. Clarida is a partner at Reitler, Kailas & Rosenblatt, LLC in New York, NY, and a noted author and speaker on copyright. He is a past trustee of the Copyright Society of the USA and a past member of the Board of Directors of the American Intellectual Property Law Association.

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Supplement History: 2014, \$230.00/2013, \$215.00

New Edition Due Summer 2016.

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Trademark Infringement Remedies, Second Edition

Brian E. Banner, Editor-in-Chief (Main Volume)
Steve Meleen, Editor-in-Chief (2015 Cumulative Supplement)

ABA Section of Intellectual Property Law

Detailed, practical analysis of the full range of federal and state trademark infringement remedies.

This treatise provides trademark owners and their counsel with the information they need to effectively defend and protect their brands and maintain the value of trademarks. It covers all aspects of trademark rights, liabilities, and remedies, as well as the civil infringement remedies available today in federal and state courts. Also included in the **Second Edition** are discussions of: the necessary elements for establishing liability for trademark and unfair competition; the principles for equitable relief and the impact of bad faith on a practitioner's case; and the issuance of preliminary and permanent injunctions.

SUPPLEMENT INFORMATION >>>

The **2015 Cumulative Supplement** provides expanded discussion of:

- The U.S. Supreme Court's decision in *B&B Hardware, Inc. v. Hargis Industries, Inc.* resolving a circuit split over the effect of U.S. Patent and Trademark Office's Trademark Trial and Appeal Board (TTAB) decisions on later infringement actions involving the same marks
- The Supreme Court decision in *Daimler AG v. Bauman*, in which it addressed the concept of general jurisdiction in a case addressing whether the courts could enforce an assets freeze in another country
- The Federal Circuit's decision on relatedness and likelihood of confusion in *In re St. Helena Hospital*
- The Second Circuit's holding in *Gucci America, Inc. v. Li*, a counterfeiting case, rejecting a Chinese bank's argument that existing case law prohibited the court's entry of a prejudgment asset freeze
- The Ninth Circuit decision in *Fifty Six Hope Road Music Ltd. v. AVELA Inc.* that because an award of profits is subject to principles of equity, there is no Seventh Amendment right to have a jury calculate profits
- The Eleventh Circuit ruling in *Axiom Worldwide, Inc. v. Excite Medical Corp.* that a showing of willfulness is not required before awarding profits as actual damages under the Lanham Act

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2012/984 pp. Hardcover with 2015 Cumulative Supplement
Order #9665P/\$535.00

2015 Cumulative Supplement alone/ISBN 978-1-61746-665-6
Order #2665/\$240.00

Supplement History: 2014, \$235.00/2013, \$220.00

New Cumulative Supplement Due Winter 2016.

www.bna.com/bnabooks/tir



Trademark Dilution: Federal, State, and International Law, Second Edition

By **David S. Welkowitz**

Get the most complete discussion on the complex laws governing trademark dilution protection.

This useful treatise helps sort through the controversy and confusion surrounding the Trademark Dilution Revision Act of 2006, the ways in which the Act makes clear that the likelihood of dilution is the standard for analyzing federal dilution claims, and the complications that may arise under state law. This comprehensive, readable book provides thorough coverage of state dilution statutes and cases, and organizes the topic of dilution into easily usable chapters, each devoted to an important subtopic of dilution. Supplements keep readers up-to-date on both state and federal topics.

The **Second Edition** features rich, detailed, and expanded discussions in key areas and useful citations of federal, state, and international dilution law. It analyzes major cases including *Rosetta Stone v. Google*; *Starbucks v. Wolfe's Borough Coffee*; *Research in Motion Ltd. v. Defining Presence Marketing Group, Inc.*; *Nike, Inc. v. Maher*; and *Rolex Watch U.S.A. Inc. v. AFP Imaging Corp.*

SUPPLEMENT INFORMATION >>>

The **2015 Cumulative Supplement** adds the following new content:

- Complete coverage of the Fourth Circuit's decision in *Radiance Foundation v. NAACP* on the issues of tarnishment, fair use, and noncommercial use
- Thorough discussion of the Trademark Trial & Appeal Board's precedential opinion in *New York Yankees Partnership v. IET Products*, regarding fame, dilution by blurring, and the effect of parody in TTAB dilution decisions
- Coverage of the new TTAB dilution decision involving the McDonald's mark, focusing on the analysis of fame in the context of a family of marks
- Analysis of the Federal Circuit's decision in *Apple, Inc. v. Samsung Electronics, Inc.*, relating to trade dress and functionality
- Discussion of the dilution litigation in the United Kingdom between Thomas Pink and Victoria's Secret over the PINK mark
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2012/852 pp. Hardcover with 2015 Cumulative Supplement
Order #9664P/\$500.00

2015 Cumulative Supplement alone/ISBN 978-1-61746-664-9
Order #2664/\$220.00

Supplement History: 2014, \$215.00/2013, \$195.00

New Cumulative Supplement Due Fall 2016.

www.bna.com/bnabooks/tmd



Health Care Fraud and Abuse: Practical Perspectives, Third Edition

Linda A. Baumann, Editor-in-Chief
ABA Health Law Section

Insights on existing health care fraud and abuse laws, regulations, case law, and government standards.

Health Care Fraud and Abuse: Practical Perspectives, Third Edition outlines in detail the existing fraud and abuse laws, regulations, case law, and other

government activity, and offers attorneys the practical perspectives and guidance they need to protect their clients. This incomparable treatise offers seasoned counsel, as well as those new to health care law, assistance in structuring acceptable business arrangements, avoiding statutory and regulatory pitfalls, defending clients against government investigations and litigation, implementing effective corporate compliance programs, and more.

The **Third Edition** has been reorganized to include a separate, comprehensive chapter on the Anti-Kickback Statute, full of practical guidance. The **Third Edition** also includes material on: two key OIG documents issued in 2013: the OIG Provider Self-Disclosure Protocol and the OIG Special Advisory Bulletin on the Effect of Exclusion from Participation in Federal Health Care Programs (both documents superseding prior guidance on these topics); multiple new settlements and other government enforcement actions and initiatives throughout the health care industry; Stark Law developments, including the *Tuomey* case, one of the few Stark Law cases to go to trial; key developments in the False Claims Act prosecution of off-label marketing cases, (e.g., the *Caronia* case); increasing enforcement in the Part D arena, including CMS's concern with preferred networks and other Part D-related issues, as evidenced in multiple OIG audits, Work Plan items, CMPs and False Claims Act cases; and developments indicating potential individual liability, particularly for directors and officers of health care organizations, in areas such as anti-trust and the Foreign Corrupt Practices Act.

SUPPLEMENT INFORMATION >>>

The **2015 Cumulative Supplement of Health Care Fraud and Abuse: Practical Perspectives** contains:

- A comprehensive, newly revised chapter on managed care fraud and abuse that highlights key topics including: (i) compliance program requirements, (ii) government review, monitoring, and auditing, (iii) enforcement actions, (iv) potential False Claims Act and/or Anti-Kickback liability, and (v) prompt payment and denial of care compliance issues in the context of Medicare managed care, Medicaid managed care, Federal Employee Health Benefit Programs, and TRICARE
- Discussion of the government's increasing focus on enforcement against individuals, including physicians, for violations of the fraud and abuse laws, as well as a new topic on health care executive liability
- Discussion of the rule requiring that overpayments be returned within 60 days, and the first-of-its-kind FCA case, *United States v. Continuum Health Partners, Inc.* based on an alleged violation of this regulation
- Review of several newly proposed regulations, including those related to the Stark Law, the civil monetary penalty rules and the safe harbors to the anti-kickback statute, including provisions related to gainsharing
- Assessment of the numerous new or revised requirements imposed under Part D-related regulations, OIG's Supplemental Special Advisory Bulletin on Independent Charity Patient Assistance Programs, and various enforcement initiatives
- Analysis of the HHS OIG's Practical Guidance for Healthcare Governing Boards on Compliance Oversight
- Expanded coverage of health care director and officer liability related to their duty of care, the business judgment rule, potential exposure under the Foreign Corrupt Practices Act, as well as increasing scrutiny under the antitrust laws
- Discussion of recent cyber-attacks against health care organizations and state responses
- Examination of the burgeoning number of multi-million dollar health care fraud abuse cases, including the rare \$237 million dollar jury verdict, affirmed by the Fourth Circuit, in the *Tuomey Stark/False Claims Act* case, and the \$850 million DaVita paid to settle FCA cases related to kickbacks and improper billing, including a \$450 million settlement paid in a case where the government had declined to intervene

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2013/1,273 pp. Hardcover with 2015 Cumulative Supplement
Order #9634P/\$505.00

2015 Cumulative Supplement alone/ISBN 978-1-61746-634-2
Order #2634/\$255.00

Supplement History: 2014, \$240.00

New Cumulative Supplement Due Fall 2016.

www.bna.com/bnabooks/fahc

THE ABA HEALTH LAW SECTION

The Health Law Section is dedicated to increasing interest in the field of health law. Its nearly 9,000 members represent all areas of the health law industry and are committed to educating the legal profession in this rapidly changing area of practice.

For more information on Section participation, visit
www.americanbar.org/groups/health_law.html.



Prosecuting and Defending Health Care Fraud Cases, Second Edition

By **Michael K. Loucks** (Main Volume and 2015 Cumulative Supplement) and **Carol C. Lam** (Main Volume)

A definitive guide to investigations and prosecutions in health care fraud cases.

Prosecuting and Defending Health Care Fraud

Cases, Second Edition covers health care fraud from two distinct angles: the applicable law and the federal criminal process for health care fraud cases. This book analyzes trials conducted in a variety of cases, with chapters structured to match the process as it actually takes place during the investigation, after charges are brought, and through sentencing. It presents possible charges, investigative tools, proven trial strategies for both prosecution and defense, considerations for settlement of a prosecution or civil suit, and factors applicable in sentencing.

Lawyers and litigators will appreciate its review of: all relevant aspects of the Affordable Care Act; changes to the Anti-Kickback Statute; transparency requirements for drug and device companies; new subpoena authorities and new rules on exclusion and penalties; and other important fraud issues.

SUPPLEMENT INFORMATION >>>

The **2015 Cumulative Supplement** discusses the following:

- Updated cumulative tables of health care fraud settlements exceeding \$1 million through June 2015
- In-depth analysis of the government's off-label promotion enforcement effort, including a review of the *Amarin Pharma, Inc. v. FDA* litigation
- Developments relating to *qui tam* actions in False Claims Act cases through June 2015
- Updated review of Health and Human Services Office of Inspector General anti-kickback advisory opinions

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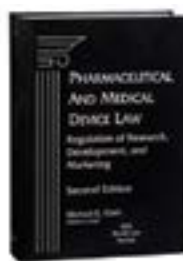
2010/1,216 pp. Hardcover with 2015 Cumulative Supplement
Order #9637P/\$505.00

2015 Cumulative Supplement alone/ISBN 978-1-61746-637-3
Order #2637/\$270.00

Supplement History: 2014, \$265.00/2013, \$225.00

New Edition Due Winter 2016.

www.bna.com/bnabooks/pdhc



Pharmaceutical and Medical Device Law: Regulation of Research, Development, and Marketing, Second Edition

Michael E. Clark, Editor-in-Chief
ABA Health Law Section

Examines the complex relationships between the pharmaceutical industry and health care delivery systems, insurers, and regulators.

The new and expanded **Second Edition** of **Pharmaceutical and Medical Device Law: Regulation of Research, Development, and Marketing** offers readers a comprehensive and readable text about the dynamic and complex area of pharmaceutical and medical device law in a changing health care landscape. In this unique treatise, expert authors analyze and organize legal developments affecting the expansive regulatory arena covering drug creation, production, and sales.

Highlights in **Pharmaceutical and Medical Device Law: Regulation of Research, Development, and Marketing, Second Edition** include brand-new chapters on: pharmaceutical compounding—understanding the blurred line between manufacturing and traditional pharmacy; regulation of dietary supplements; ethics in research; and regulation of medical devices.

The **Second Edition** also provides:

- A thoroughly revised chapter on the Federal Regulation of Advertising, Promotion, and Distribution Practices, including expanded discussions of FDA's prescription drug advertising regulations, FDA's regulation of over-the-counter (OTC) drugs, and Supreme Court rulings on federal preemption of state law-based tort actions for OTC drugs, prescription drugs, and medical devices
- Discussion of decisions recognizing and extending constitutional free speech protections for off-label prescribing in *Caronia* and *Amarin*
- Regulation and guidance related to research misconduct in clinical trials
- New discussion of biologic and biosimilar products, the Biologic Price Competition and Innovation Act, and the biosimilar market
- A thoroughly revised chapter on State Regulatory Schemes for Pharmaceuticals and Related Issues, including advertising guidance on direct-to-consumer sales and regulation of pharmacy benefit managers
- Analysis of Supreme Court decisions on reverse payments in *Actavis v. FTC* and its progeny, and the State Action Doctrine in *FTC v. Phoebe Putney Health Sys., Inc.*
- Expansion of the chapter on securities law to address life sciences companies

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Chapter 5. Federal Regulation of Clinical Research

Chapter 6. Avoiding Fraud and Abuse Penalties and Sanctions

Chapter 7. Regulation of Privacy Under HIPAA and Other Privacy Laws

Chapter 8. Federal Sentencing Guidelines and Compliance Measures

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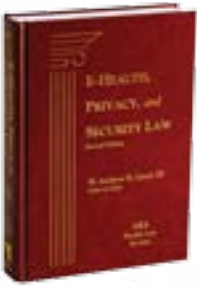
Chapter 17. Medical Devices

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Contributing chapter authors are members of the ABA Health Law Section.

2015/1,412 pp. Hardcover/ISBN 978-1-61746-636-6
Order #2636/\$525.00

www.bna.com/bnabooks/phrm



E-Health, Privacy, and Security Law, Second Edition

W. Andrew H. Gantt III, Editor-in-Chief
ABA Health Law Section

A full exploration of the legal, privacy, and ethical issues at the nexus of health and information technology.

E-health has rapidly emerged as one of the most dynamic and fastest growing areas of the health care industry. As the industry becomes more dependent on information technology, health law practitioners are

increasingly confronting unfamiliar legal issues.

E-Health, Privacy, and Security Law, Second Edition offers clear guidance on the full range of today's e-health business and transactional law issues with a new focus on the liabilities and ethical issues associated with the increased use of health information technology, social media, and digitized patient records and discusses such important topics and trends as: personal health records and social media; FDA regulation of e-health technology; special issues regarding electronic health information and litigation; the latest regulations on privacy and security issues under the HITECH Act; new enforcement techniques; and more.

SUPPLEMENT INFORMATION >>>

The **2015 Cumulative Supplement** adds discussion of the following: FDA guidance and draft guidance on the use of mobile medical applications and devices by consumers; discussion of laws affecting the processing of personal and health data across Europe; an expanded analysis of HIPAA security enforcement issues; new topics on due diligence in e-health transactions, compliance with the Immigration Reform and Control Act, liability arising out of exclusivity contracts, and disaster recovery and business continuity, audit inspection rights, and insurance coverage review; and updated chapters on the e-health industry and health information technology.

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2011/912 pp. Hardcover with 2015 Cumulative Supplement
Order #9633P/\$495.00

2015 Cumulative Supplement alone/ISBN 978-1-61746-633-5
Order #2633/\$245.00

Supplement History: 2014, \$240.00/2013, \$225.00

New Edition Due Winter 2016.

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Managed Care Litigation, Second Edition

David M. Humiston, Editor-in-Chief
ABA Health Law Section

Practice-oriented guidance for litigating within the managed care industry.

Managed Care Litigation, Second Edition, is a practical, authoritative reference written specifically for practitioners who handle managed care disputes to help them rapidly focus on key issues and expertly

advise their clients. The treatise offers in-house and outside counsel and managed care executives in-depth analysis of all the important issues in managed care litigation, providing both a basic overview and a comprehensive examination of legal issues. The book provides useful guidance on:

- **Typical disputes, such as benefits coverage issues, utilization management, and contractual claims between payors, providers, and patients**
- **Reimbursement issues, including billing and coding and prompt-pay statutes**
- **State regulations and insurance administrative processes**
- **Health plan liability laws, ACA compliance, and issues pertaining to medical loss ratios**
- **External review laws and health insurance exchanges**
- **Managed behavioral health care litigation issues and mental health parity**
- **Litigating disputes arising under federal health programs, including Medicare, Medicaid, FEHBP, and TRICARE, as well as Federal False Claims Act, Anti-Kickback, and Stark Law issues**
- **Antitrust litigation, including unfair trade practices, exclusionary conduct, most-favored nation clauses, and anti-competitive actions**
- **Class action lawsuits and arbitration, settlement, and discovery issues**
- **ERISA litigation and preemption strategies**
- **Formation and operation of managed care network organizations, ACOs and value-based provider reimbursement, and pay-for-performance issues**

SUPPLEMENT INFORMATION >>>

The **2015 Cumulative Supplement** adds discussion of the Supreme Court opinion in *Burwell v. Hobby Lobby Stores, Inc.*, that the ACA contractive mandate as applied to closely held corporations violated the RFRA; litigation arising from ACA enrollment, pricing, and provider networks; lower-court decisions in the wake of *Actavis* on the legality of "reverse payment" or "pay-for-delay" settlements; Supreme Court decision *North Carolina State Board of Dental Examiners* rejecting state-action immunity for a state agency composed of active market participants; and more.

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2013/1,300 pp. Hardcover with 2015 Cumulative Supplement
Order #9635P/\$520.00

2015 Cumulative Supplement alone/ISBN 978-1-61746-635-9
Order #2635/\$245.00

Supplement History: 2014, \$240.00

New Cumulative Supplement Due Summer 2016.

www.bna.com/bnabooks/mcl



Cybersecurity Litigation: Consumer Data Protection and Privacy

By **Samuel Rosenthal**

An in-depth analysis of a vitally important area.

The unparalleled growth of the internet is matched only by the unparalleled explosion of statutes, regulations, rules, judicial opinions, and commentaries dealing with cybersecurity. Cybersecurity is now a vitally important issue for any

company handling sensitive consumer data.

Attorneys and the companies they represent need to know what they are facing in terms of potential liability, and how they can mitigate those risks. **Cybersecurity Litigation: Consumer Data Protection and Privacy** is useful not only to those who are already in litigation, but also to those who are advising on or setting up cybersecurity programs, and trying to determine whether these programs are satisfactory.

Cybersecurity Litigation: Consumer Data Protection and Privacy contains in-depth discussions of:

- **The liability facing companies, boards of directors, and other employees responsible for cybersecurity and the recent cases applying those principles**
- **Necessary internal controls**
- **A wide range of litigation issues, tactics, and strategies, including standing, damages, and affirmative defenses such as causation**
- **A summary of the statutory schemes and governmental guidance that govern or advise on this new and emerging area of law**
- **Special chapters focusing on the financial services and health care industries which face additional challenges**

This treatise is designed to assist lawyers and clients in avoiding litigation by taking appropriate precautions, or if they cannot avoid litigation, responding to lawsuits in the most effective way possible.

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2015/706 pp. Hardcover/ISBN 978-1-61746-485-0
Order #2485/\$395.00

New Supplement Due Summer 2016.

www.bna.com/bnabooks/cyl



Whistleblowing: The Law of Retaliatory Discharge, Third Edition

By **Nancy M. Modesitt, Janie F. Schulman, and Daniel P. Westman**

A full analysis of laws concerning retaliation against whistleblowers.

An in-depth discussion of whistleblower protections and related litigation under the Sarbanes-Oxley Act, The Dodd-Frank Wall Street Reform and Consumer Protection Act,

The Patient Protection and Affordable Care Act, and other applicable federal and state laws.

The **Third Edition** covers legal issues related to use of confidential or classified information and to contractors as whistleblowers, as well as discussion of new state statutes that protect employee whistleblowers who disclose specific types of wrongful behavior. It includes updated material on recent DOL Administrative Review Board decisions and outlines the revised OSHA investigations manual governing whistleblower complaints filed with the DOL. It also outlines recent, significant Supreme Court decisions related to protection of whistleblowing by contractors and subcontractors.

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2015/736 pp. Hardcover/ISBN 978-1-61746-533-8
Order #2533/\$320.00

New Supplement Due Fall 2016.

www.bna.com/bnabooks/lrd



Anti-Corruption Law and Compliance: Guide to the FCPA and Beyond

By **Kevin T. Abikoff, John F. Wood,** and **Michael H. Huneke**

An invaluable resource for legal and compliance professionals.

Anti-Corruption Law and Compliance: Guide to the FCPA and Beyond reviews the origins, meaning, and applications of U.S. and selected foreign anti-corruption laws, focusing on the U.S. Foreign Corrupt Practices Act (FCPA). Anti-corruption enforcement in the United States continues to be robust. Ever-increasing enforcement by other countries creates considerable challenges for businesses facing allegations, investigations, or prosecutions in multiple jurisdictions.

Additionally, the U.S. government's focus on the prosecution of individuals as well as corporations makes this book's detailed review of the FCPA's specific provisions and elements essential reading for attorneys representing individuals or businesses facing investigation or prosecution.

SUPPLEMENT INFORMATION >>>

The **2015 Supplement** includes:

- A new chapter on China, written by Jun He Law Offices, discussing Operation Fox Hunt and President Xi's anti-corruption campaign
- Extensive revision of the chapter on Brazil, covering the Operation Car Wash investigation into state-owned Petrobras
- Discussion of how corruption crippled the global community's ability to resolve several crises, from diverting of funds related to Ebola, to impacting Nigerian and Iraqi armed forces fighting terrorists
- Significant updating of all of the chapters through the end of 2014

Kevin T. Abikoff is a partner at Hughes Hubbard & Reed, LLP, Washington, DC.

John F. Wood is a partner at Hughes Hubbard & Reed, LLP, Washington, DC and Kansas City, MO.

Michael H. Huneke is a partner at Hughes Hubbard & Reed, LLP, Washington, DC.

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Director and Officer Liability in Financial Institutions: A Deskbook

By **Samuel Rosenthal**

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It explores what lawsuits have been filed seeking damages; whether criminal exposure exists, what criminal statutory provisions may be triggered by conduct at issue, and whether administrative agencies are likely to bring charges.

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SUPPLEMENT INFORMATION >>>

The **2015 Cumulative Supplement** discusses:

- New, aggressive approaches to perceived deficiencies in anti-money laundering programs
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- Non-compliance actions based on directives regarding the Office of Foreign Assets Control (OFAC) and dealing with sanctioned countries
- Other enforcement actions targeting global operations

"Every bank director, officer, auditor, accountant, and consultant to the bank who might conceivably find themselves facing liability charges would be well advised to keep this essential book on their desk!"

— *ABA Banking Journal*, February 7, 2014, reviewed by **Nahum Goldmann**, President, ARRAY Development, Ottawa, Canada

Samuel Rosenthal is chair of the Government Investigations and White Collar Practice Group at Squire Patton Boggs, New York, NY.

2012/1,084 pp. Hardcover with 2015 Cumulative Supplement

Order #9631P/\$415.00

2015 Cumulative Supplement alone/ISBN 978-1-68267-631-1

Order #2631/\$235.00

Supplement History: 2014, \$215.00

New Edition Due Winter 2016.

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SUPPLEMENT INFORMATION >>>

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- The largest non-intervened *qui tam* action settlement ever, against DaVita, a dialysis provider
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- What type of "obligation" is required when alleging a reverse false claim
- The latest federal appellate courts to adopt implied certification
- What procedure is to be followed when the government seeks to dismiss a False Claims Act case against the wishes of the relator

James B. Helmer, Jr., is a senior partner and President of Helmer, Martins, Rice & Popham Co., L.P.A., Cincinnati, OH.

2012/1,594 pp. Hardcover with 2015 Cumulative Supplement

Order #9632P/\$485.00

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Order #2632/\$225.00

Supplement History: 2014, \$215.00/2013, \$200.00

New Supplement Due Fall 2016.

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Criminal Tax, Money Laundering, and Bank Secrecy Act Litigation

By **Peter D. Hardy** (Main Volume and 2014 Cumulative Supplement); with **Carolyn H. Kendall** (2014 Cumulative Supplement)

An expert analysis of federal criminal cases handled by the IRS and DOJ.

This treatise provides the critical analysis practitioners need when defending against a federal criminal case pursued by the IRS and DOJ. Covering the case from beginning to end, the treatise details the entire panoply of complex legal, factual, logistical, and tactical issues raised by such litigation. Guidance is offered on cutting-edge issues such as offshore accounts, tax shelter prosecutions and problems involving intent, corporate prosecutions and deferred prosecution agreements, and more.

SUPPLEMENT INFORMATION >>>

The **2014 Cumulative Supplement** adds coverage of:

- **The government's high-profile enforcement campaign against undisclosed offshore financial accounts, including the implementation of FATCA, the increasing investigation and regulation of banks, and the evolving voluntary disclosure programs for offshore accounts**
- **Willfulness in criminal cases, and in civil cases involving offshore account reporting**
- **The emerging regulation of virtual currency under the Bank Secrecy Act**
- **The new DOJ policy on criminal and civil forfeitures in tax-related cases**
- **The new amendment to the Federal Sentencing Guidelines regarding the definition of "tax loss"**

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- Chapter 1.** Introduction
- Chapter 2.** Criminal Tax Statutes
- Chapter 3.** Money Laundering
- Chapter 4.** The Bank Secrecy Act
- Chapter 5.** The Investigation and Review Process
- Chapter 6.** Special Issues
- Chapter 7.** Plea Agreements
- Chapter 8.** Pretrial Practice
- Chapter 9.** Trial
- Chapter 10.** Sentencing
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- Table of Cases**
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Peter D. Hardy is a partner in the Philadelphia, PA office of the law firm of Ballard Spahr LLP, where he is part of the White Collar Defense/Internal Investigations, Litigation, Privacy and Data Security and Tax Practices. He is a former criminal prosecutor at the Criminal Enforcement Section of the Tax Division of the Department of Justice in Washington, DC and at the U.S. Attorney's Office in the Eastern District of Pennsylvania. He is also a member of the American College of Tax Counsel.

Carolyn H. Kendall is an associate in the White Collar Defense/Internal Investigations Practice of Ballard Spahr LLP, in Philadelphia, PA. She is a graduate of the University of Virginia School of Law and has served as a clerk for a federal judge of the United States Court of Appeals for the Seventh Circuit. Her work includes matters involving potential criminal tax and money laundering violations, as well as allegations involving securities violations and other fraud and regulatory statutes.

2010/1,712 pp. Hardcover with 2014 Cumulative Supplement
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2014 Cumulative Supplement alone/ISBN 978-1-61746-279-5
Order #2279/\$320.00

Supplement History: 2012, \$300.00/2011, \$295.00

New Cumulative Supplement Due Winter 2016.

www.bna.com/bnabooks/ctx



Responding to Corporate Criminal Investigations

By **Kirby D. Behre** and **Morgan J. Miller**

Proven strategies and techniques to effectively defend each stage of criminal prosecution.

This desk reference provides defense counsel and corporate executives with an insider's roadmap to every stage of the investigative process, based on the authors' decades of collective experience with a wide variety of federal cases. From nuts-and-bolts guidance on document management to legal doctrines imposing criminal liability, the authors—a former federal prosecutor and a former Securities and Exchange Commission (SEC) enforcement attorney—explain how to respond to federal government investigations and how to develop proactive strategies to prevent corporate criminal liability.

Topics covered include:

- **The bases for corporate criminal liability and the fundamentals of prosecution**
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- **Subpoenas and warrants**
- **Managing documentary evidence**
- **Maintaining attorney-client privilege**
- **Conducting internal investigations**
- **Corporate indemnification and insurance**
- **The expanded use of corporate monitors**

This resource includes discussion of the complex steps for conducting an effective and efficient internal investigation, including the methods used and practical tips to avoid the pitfalls most often encountered. Recognizing that many corporations also face simultaneous inquiries by the SEC, in addition to a DOJ investigation, the treatise includes relevant considerations for defending parallel proceedings and understanding the impact of a multifaceted investigation.

SUPPLEMENT INFORMATION >>>

Updates in the **2015 Supplement** include:

- **Developments in the attorney-client privilege doctrine, which has heightened concerns about how the privilege applies during internal investigation**
- **Evolutions in search warrant law as courts attempt to stay abreast of modern technology**
- **The increased use of non-prosecution and deferred prosecution agreements as alternative forms of resolving corporate criminal investigations**
- **The growing importance of whistleblower protection laws**

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- Chapter 1.** Corporate Criminal Investigations—An Overview
- Chapter 2.** The Responsible Corporate Officer Doctrine
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- Chapter 7.** Conducting Corporate Internal Investigations
- Chapter 8.** Corporate Plea Agreements
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- Chapter 10.** Deferred Prosecution and Non-Prosecution Agreements
- Chapter 11.** Corporate Indemnification and Advancement Policies—Insurance Coverage

Kirby D. Behre is a Member of Miller & Chevalier's Litigation department in Washington, DC.

Morgan J. Miller is a Partner in the Litigation Practice of Paul Hastings LLP, Washington, DC.

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- **Persuasive techniques for oral argument**

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- **Details of little-known practices like petition holds, calls for a response, calls for the views of the Solicitor General, "GVRs," and summary decisions**
- **How to seek a stay pending action by the Supreme Court**

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Chapter 6. Procedure in Connection with Petitions for Certiorari
Chapter 7. Procedure on Appeals
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Chapter 10. Original Cases
Chapter 11. Extraordinary Writs
Chapter 12. Preparing and Printing the Joint Appendix
Chapter 13. The Briefs on the Merits
Chapter 14. Oral Argument
Chapter 15. Petitions for Rehearing and Final Disposition of Cases
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Chapter 18. Capital Cases
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Stephen M. Shapiro is a partner in Mayer Brown LLP, Chicago, IL, and a former deputy solicitor general of the United States.

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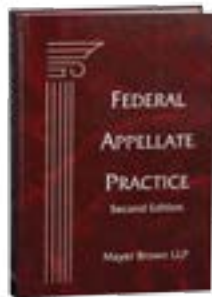
Timothy S. Bishop is a partner in Mayer Brown LLP, Chicago, IL, and previously served as a law clerk for a Justice of the U.S. Supreme Court.

Edward A. Hartnett is the Richard J. Hughes Professor for Constitutional and Public Law and Service at Seton Hall University Law School.

Dan Himmelfarb is a partner in Mayer Brown LLP, Washington, DC, a member of the firm's Supreme Court & Appellate Practice, and co-leader of the office's Litigation Practice.

2013/1,530 pp. Hardcover/ISBN 978-1-61746-337-2
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Federal Appellate Practice, Second Edition

By **Mayer Brown LLP**
Philip Allen Lacovara, Editor-in-Chief

A practical manual on handling all aspects of federal appellate matters.

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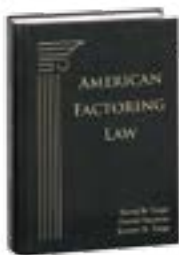
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Philip Allen Lacovara is senior counsel in Mayer Brown LLP, New York, NY. He previously served as a law clerk on the U.S. Court of Appeals for the District of Columbia Circuit and as chair of the Court's Committee on Practice and Procedure. He served as assistant to the solicitor general (Thurgood Marshall), as deputy solicitor general of the United States, and as counsel to the Watergate Special Prosecutor.

2013/1,070 pp. Hardcover/ISBN 978-1-61746-408-9
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- **The factor’s client’s ability to raise defenses of recoupment and set-off, the factor’s assertion of claims against its client under state and federal RICO law, and cases seeking injunctive relief**

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- Chapter 5.** Specialty Factoring and Non-Factoring Financial Services
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- Chapter 8.** The Factor and Guarantors of Client Obligations
- Chapter 9.** The Factor and Its Funding Sources
- Chapter 10.** Take-Outs and Other Relationship Issues Between Factors of the Same Client
- Chapter 11.** Factors and Third-Party Lenders/Creditors
- Chapter 12.** Bankruptcy Issues
- Chapter 13.** The Factor and Tax Authorities
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- Chapter 15.** Miscellaneous Matters

David B. Tatge is a shareholder at Epstein Becker & Green, P.C., Washington, DC.

David Flaxman is general counsel at Rosenthal & Rosenthal, Inc., New York, NY.

Jeremy B. Tatge is a credit analyst with Access National Bank, Reston, VA.

2009/891 pp. Hardcover with 2013 Cumulative Supplement

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Supplement History: 2011, \$200.00

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- **Three sample estate tax returns, updated for deaths in 2015**
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- **Estate of Purdue: an important victory on three issues**
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SUMMARY OF CONTENTS

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Keith Schiller is a nationally known attorney, award-winning author, and lecturer whose advice is sought by other practitioners to aid their clients with estate tax return preparation and defense. Schiller has co-taught estate tax return preparation and audit defense with IRS estate tax attorneys, appeals officers, and managers since 1997. He is the owner of the Schiller Law Group, PLC, and a contributor to Bloomberg BNA’s *Estates, Gifts and Trusts Journal*.

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By **Kevin C. Taylor**

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- Electronic fraud, identity theft, and anti-money laundering

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- Chapter 9.** Information Governance
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- Appendices • Table of Cases • Index**

Kevin C. Taylor started in technology law at Brown Raysman in the first internet boom of the late 1990s. During his career he has represented companies in all corners of the financial services industry: banking, securities, insurance, and credit card companies. He currently represents some of the largest financial companies in the world in the acquisition and use of technology.

2014/328 pp. Softcover with CD-ROM/ISBN 978-1-61746-439-3
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Catherine A. Kitchell is a Senior Reference Librarian with Bloomberg BNA, Arlington, VA.

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James F. Booth, author of the Fiber Optic Telecommunications Network Series, has provided consulting services to telecommunications carriers and enterprise companies for more than 25 years. He is General Counsel of Spread Networks, LLC.



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Hugh B. Kaplan is a former Legal Editor of Bloomberg BNA's *Criminal Law Reporter*.

2015/176 pp. Softcover/ISBN 978-1-61746-709-7
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Jeffrey J. Kimmel is a Regulatory Analyst and Consultant based in Brookfield, VT, and former Senior Legal Writer with Bloomberg BNA's *Environment Reporter*.

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Leslie King is a former tax law editor at Bloomberg BNA Tax & Accounting and currently serves as the assistant general counsel at the District of Columbia Retirement Board.

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David D. Kadue is a partner in Seyfarth Shaw, Los Angeles, CA, and a co-author of Bloomberg BNA's *Age Discrimination in Employment Law* and *Workplace Harassment Law*.

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