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## **AUGUST 2023 ARTICLES**

### **STATE LEGISLATIONS**

1. **FTC and Six States Announce Settlement Over Fake Reviews and Claims**
2. **Texas Amends Data Breach Notification Law, Updates Effective September 1**
3. **Are Syndicated Term Loans Securities? The SEC Declines to Weigh in on Kirschner**
4. **SEC Adopts Significant Money Market Fund Reforms and Amended Form PF Reporting Requirements for Private Liquidity Fund Advisers**
5. **Virginia Moves to Dismiss Suit Claiming Denial of Voting Rights to Felons Violates Civil War Era Statute**
6. **Illinois Pay Transparency Requirements Take Effect January 1, 2025**
7. **Reminder: New York State Pay Transparency Obligations Take Effect Sept. 17**
8. **Florida's Minimum Wage Increases to \$12.00/Hour**
9. **First Circuit Finds Commission Plan's Windfall Provision Permissible Under Massachusetts Wage Act**
10. **North Carolina General Assembly Week in Review - August 2023 #4**
11. **Montana AG Mounts Defense of State's TikTok Ban**

### **BIG BRANDS**

1. **ArentFox Schiff Issues the First Global Definitive Legal Guide for Industries Navigating AI**
2. **SEC Announces Increase in Registration Fee Rates Effective October 1, 2023**
3. **National Labor Relations Board Significantly Alters Union Election Process**

4. **CFPB contests motions for preliminary injunctions to block enforcement of Small Business Lending Rule**
5. **CSA and CIRO Publish Review of Registrants' Conflicts of Interest Practices**
6. **SEC Pursues Violations of Rule 12b-25: Has "Broken Windows" Returned?**
7. **Project W: Q&A with Jennifer Steiner**
8. **Companies Face Increased Criminal Enforcement Risk From Aging Infrastructure-Related Disasters**
9. **The FTC announces it has finalized an updated version of its Endorsement Guides.**
10. **SEC finds Forms 12b-25 not up to snuff**

## **CFPB**

1. **CFPB Director Issues Statement on FCRA Data Broker Proposed Regulation**
2. **Agencies Propose Quality Control Standards for AVMs**
3. **The State AG Report – 8.24.2023**
4. **CFPB Alleges “Loan-Churning” and “Fee-Harvesting” by Installment Lender**
5. **Trade Associations File Amici Brief Supporting Townstone Financial’s Position on ECOA Scope**
6. **CFPB Announces Plans to Extend FCRA to Data Brokers Through Rulemaking**
7. **CFPB Releases Report on Reverse Mortgage Advertising**
8. **Plaintiffs in Kentucky lawsuit challenging CFPB final small business lending rule file motion for preliminary injunction**
9. **CFPB files opposition to preliminary injunction motion of intervenors in Texas lawsuit challenging CFPB’s small business lending rule**
10. **Key Takeaways from the CFPB’s First Public Enforcement Action Alleging Violations of RESPA Section 8 Since 2017**

## **IN THE WORKPLACE**

1. **DE Talk | Uncovering the Non-Traditional Workforce: Recruiting & Retaining Talent in Addiction Recovery**

2. **E-Discovery Training: Mitigate Risks, Maximize Results for Your Team**
3. **Employer Q & A About New Pregnant Workers Fairness Act**
4. **Time Is Money: A Quick Wage-Hour Tip on ... A Quick Primer on What to Include in the Regular Rate of Pay**
5. **As Talk of the Economy Cooling Persists, Employers are Reducing their Workforces**
6. **NLRB Sets New Standard for Evaluating Workplace Rules**
7. **PWFA Proposed Regulations and Potential Areas of Comment for Employers**
8. **In Major New Decision, NLRB Authorizes Union Recognition Without Election**
9. **Impact of The U.S. Supreme Court's Affirmative Action Decision on Employers**
10. **[Ongoing Program] Session 1: Recruiting and Onboarding Employees - September 20th, 12:00 pm - 2:00 pm CT**

#### **CYBERSECURITY AND DATA PRIVACY**

1. **OpenAI – FTC Opens an Investigation**
2. **“Pixels” and “Cookies,” Charming Terms for Tracking Technology, Can Lead to Ugly Data Privacy Headaches**
3. **SEC Cybersecurity Reporting Requirements for Public Companies: Applying Old Standards to New Risks**
4. **FTC and OCR Take Aim at Tracking Pixels in Joint Letter Warning Hospitals and Telehealth Providers About Privacy and Security Risks Associated with Online Tracking Technology**
5. **Taking the Pulse, A Health Care and Life Sciences Video Podcast | Episode 157: Sarah Glover, Maynard Nexsen Cybersecurity Attorney**
6. **CPPA Releases Draft Regulations on Risk Assessments and Cybersecurity Audits**
7. **Are you properly protecting your employees' personal information?**
8. **NIST updates its Cybersecurity Framework**
9. **New SEC Rules Required Public Companies to Promptly Disclose Cyberattacks**

10. **7th Circuit affirms dismissal of proposed Driver's Privacy Protection Act class action**

## **EMPLOYMENT AND BACKGROUND CHECKS**

1. **Choosing the Right Software for Background Checks: Key Features to Consider**
2. **Third Party Agents Are Employers For Purposes Of FEHA Liability**
3. **Document Redaction Services You Didn't Know Your Firm Needed**
4. **It's always been done that way and maybe it's wrong**
5. **Global privacy regulators join forces to warn about scraping publicly available information**
6. **Retirement Plans: Will January 1, 2024 Effective Date for Age 50 Catch-Up Contribution Changes Be Delayed?**
7. **Historic NLRB Decision Changes When Employers Must Recognize and Bargain with Unions**
8. **Expansive Accommodation Requirements under the Pregnant Workers Fairness Act Proposed Regulations**
9. **A New Option: Virtual I-9 Inspections**
10. **Modifications to California Regulations Governing Employer Consideration of An Applicant's Criminal History Approved**

## **INTERNATIONAL**

1. **Canada Adds Exemptions from Hours of Work Requirements for Certain Employees in Banking, Telecommunications and Broadcasting, Rail, and Airline Sectors**
2. **New Global Workplace**
3. **New Outbound Investment Restrictions Affect China, Semiconductors, Artificial Intelligence, and Quantum Computing**
4. **Commerce's Final Circumvention Determination Concerning Solar Cells and Modules from China**
5. **Cable pooling - a new opportunity for developing RES installations in Poland**
6. **UK and AI: The United Kingdom's Approach to Artificial Intelligence Regulation**
7. **From Visa Applications to Citizenship Proceedings: The Importance of Proper Case Management in Global Immigration**
8. **India Enacts New Privacy Law: The Digital Personal Data Protection Act**

9. **A fresh start - Hong Kong court decides tribunal had no jurisdiction to join additional party**
10. **Part 2 – International Tax Primer for US Taxpayers and Expatriates**

## **LAWSUITS**

1. **Ninth Circuit: conjoint analysis fails to show class-wide damages for fraud and negligent misrepresentation claims**
2. **Eleventh Circuit Expands on Drazen II, Holding that an Unwanted Text is Sufficient for FTSA Standing**
3. **Fifth Circuit Court of Appeals Expands Title VII Coverage in a Reversal of Longstanding Precedent**
4. **Without Merit: A Cautionary Tale About Boilerplate Litigation Disclosures in Public Company Filings**
5. **You might want to think twice before describing pending litigation as “without merit”**
6. **Investigations Newsletter: DOJ Announced Results of Nationwide COVID-19 Fraud Enforcement**
7. **Multinational Bank to Pay \$1.435 Billion to Settle DOJ’s RMBS Fraud Suit**
8. **FTC, DOJ issue permanent injunction and civil penalty for violations of CAN-SPAM Act**
9. **As Long as There’s a Plan—Resolving Defenses after Class Certification**
10. **\$40M TCPA Settlement for Real Estate Company**

## **MARIJUANA**

1. **Marijuana Use and Custody Litigation: The Straight Dope**
2. **Navigating the Complexities of Cannabis Insurance**
3. **Massachusetts Cannabis Control Commission Vote on Host Community Agreement, Community Impact Fee and Social Equity Regulations Scheduled for September 8, 2023**
4. **The Generative AI Revolution: Key Legal Considerations for the Cannabis Industry**
5. **Navigating Minnesota’s New Rules for Manufacturers and Sellers of Lower Potency Hemp-Derived Edible Products**
6. **New York Cannabis Lawsuit Overview and Possible Effects on the Much-Anticipated Adult-Use Cannabis License Application Period**

7. **New York State Court Enjoins Licensing of Adult-Use Cannabis Dispensaries Statewide Amid Retail Cannabis Regulation Disputes**
8. **The Presumption of Innocence Podcast: Episode 27 - Blazing Trails: Cannabis Law in the Garden State**

## **COMPLIANCE**

1. **Leveraging Ethical AI for Effective Compliance**
2. **A Current Roadmap for Complying with Mental Health Parity Requirement**
3. **Don't Miss the Target - Complying With Hazing Prevention, Training, and Reporting Requirements**
4. **Three Ways to Use Analytic Rigor in Your AML Compliance Operations**
5. **Ensuring Employee Handbook Compliance During a Business Transaction or Restructuring**
6. **Recent SEC Enforcement Activity Serves as a Reminder That Rule 12b-25 Requires Substantive Disclosures**
7. **Innovation in Compliance – Oshri Cohen on the Role of a CTO in Compliance**
8. **Daily Compliance News: August 29, 2023- The \$6bn Edition**
9. **Your Employee Handbook May be Deficient for Capturing Patent Rights**
10. **SEC Adopts Controversial and Sweeping Changes to Private Fund Rules; Requires Documentation of Annual Compliance Reviews**