The Supreme Court in Review: Cases Affecting Business from the October 2018 Term

By Todd Lundell

Many Supreme Court watchers saw the October 2017 term as foreshadowing a new, conservative Court with no true swing vote. During that term, Justice Kennedy voted with the conservative justices in all the most controversial cases, and the conservative Justices dominated the close 5-4 or 5-3 decisions.¹ With Justice Kavanaugh confirmed to replace Justice Kennedy, who was often the swing vote in such cases, the Court appeared to have five reliably conservative votes. As Lee Epstein, a political scientist at Washington University in St. Louis, predicted, “the 2017 term provides a good indication of what a post-Kennedy Court might look like. Many 5-4 decisions with the four Democratic appointees losing in the vast majority.”²

For the October 2018 term, at least, Dr. Epstein’s prediction missed the mark. While there were many 5-4 decisions, the Court’s liberal wing (Justices Ginsburg, Breyer, Sotomayor, and Kagan) were on the winning side of nearly half of the 5-4 decisions in which they voted together. The five conservative Justices (Chief Justice Roberts, and Justices Thomas, Alito, Gorsuch, and Kavanaugh) were still the most common alignment constituting a majority in 5-4 decisions, but those five voted together in only seven of the twenty such cases. And in a first since Chief Justice Roberts joined the Court in 2005, each of the five conservative Justices joined the Court’s four liberal Justices to form a majority at least once, with Chief Justice Roberts joining liberal majorities twice, and Justice Gorsuch four times.³ Equally interesting, Justices Ginsburg and Breyer each voted in coalitions in which they were the sole liberal Justice in an otherwise conservative voting block (Ginsburg once, and Breyer twice).⁴ In short, perhaps the most interesting thing about the October 2018 term was its unpredictability, particularly in the alignment of Justices in closely decided cases.

It would be rash to draw long-term predictions from a single, tumultuous Supreme Court term, but one thing seems clear: Although Chief Justice Roberts famously extols the virtues of unanimity and often seeks to build consensus, he presides over a deeply divided court. This term, those divisions manifested in ten different majority alignments in 5-4 cases, by far the greatest number since 2005.⁵ Further, only 39 percent of cases decided this term were unanimous decisions in even the broadest sense, meaning all justices voted for the same judgment, even if some of them wrote separate, sometimes conflicting, opinions. This was effectively tied for the

⁴ Adam Feldman, supra, Final Stat Pack for October Term 2018, at p.19
⁵ Feldman, supra, Changes are afoot.
The lowest number of unanimous decisions since 2008.6

While this term might not have produced as many unanimous opinions as Justice Roberts would like, the unique voting alignments in close cases does seem to vindicate his non-partisan view of the court. Last fall, in response to President Trump’s criticism of a decision by an “Obama judge,” Chief Justice Roberts stated, “We do not have Obama judges or Trump judges, Bush judges or Clinton judges. What we have here is an extraordinary group of dedicated judges doing their level best to do equal right to those appearing before them.”7 This term backed that statement up, as the Justices were each willing to break free of their political characterization to reach what they viewed as the right outcome in a particular case. Unpredictability is not generally considered a virtue when it comes to Supreme Court decisions, but compared with the Court’s recent reputation for being predictably partisan, this term may be considered a welcome change.

Finally, of particular interest to those attending this ABA Business Law Section annual meeting, this term’s unpredictability held in business-related cases as well. Generally, the Roberts Court has been friendly to business interests. Since 2006, the Supreme Court has ruled in favor of the position advocated by the U.S. Chamber of Commerce in 70 percent of cases in which the Chamber filed amicus briefs. In the previous two terms, that number was even higher at 80 percent and 90 percent respectively.8 Many were predicting that Justice Kavanaugh would solidify the Court’s pro-business leanings and move the court “from reliably pro-business to more resoundingly so.”9 Again, the Court defied these expectations at least for one term, as the Court sided with the Chamber in only 57% of cases (12 out of 21). Justice Kavanaugh wrote two decisions siding with plaintiffs who alleged corporate wrongdoing. In the most high-profile of the two, Justice Kavanaugh joined the liberal justices in a 5-4 decision holding that plaintiffs had standing to bring an enormous antitrust class-action lawsuit against Apple Inc. alleging Apple monopolized the market for iPhone applications through its App Store.10

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7 https://www.apnews.com/c4b34f9639e141069c08cf1e3deb6b84
8 The Constitutional Accountability Center, a liberal think tank has kept track of this trend since at least 2010. See https://www.theusconstitution.org/series/chamber-study/; see also https://www.theusconstitution.org/think_tank/a-banner-year-for-business-as-the-supreme-courts-conservative-majority-is-restored/; and https://www.theusconstitution.org/think_tank/corporate-clout/
SUPREME COURT REVIEW

Significant Business Cases from the 2018 Term and Preview of the 2019 Term

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Administrative Law

*Kisor v. Wilkie*, No. 18-15
(argued March 27, 2019; decided June 26, 2019)


• In a 5-4 decision, the Court declined to overrule *Auer* and remanded to the Federal Circuit to assess whether *Auer* deference is applicable to the agency interpretation at issue.
Azar v. Allina Health Services, No. 17-1484
(argued Jan. 15, 2019; decided June 2, 2019)

• Whether 42 U. S. C. §1395hh(a)(2) or §1395hh(a)(4) required the Department of Health and Human Services to conduct notice-and-comment rulemaking before providing the challenged instructions to a Medicare Administrator Contractor making initial determinations of payments due under Medicare.

• The Court affirmed the decision of the D.C. Circuit and held that the government was statutorily obligated to conduct notice-and-comment rulemaking before changing the “substantive legal standard” for counting certain Medicare patients under the Medicare Act, and that the government identified no lawful excuse for neglecting its statutory notice-and-comment obligations.
Antitrust

**Apple, Inc. v. Pepper, No. 17-204**

(argued Nov. 26, 2018; decided May 13, 2019)

- Whether consumers may sue for antitrust damages anyone who delivers goods to them, even where they seek damages based on prices set by third parties who would be the immediate victims of the alleged offense.

- In a 5-4 decision, the Court affirmed the Ninth Circuit, holding that the consumers had standing to bring an antitrust action because they allege that they purchase directly from the defendant without an intermediary.
New Prime, Inc. v. Oliveira, No. 17-340

• Whether courts or arbitrators should determine whether a statutory exemption from arbitration applies.

• Whether an exemption to arbitration in the Federal Arbitration Act (“FAA”) for contracts of employees applies to independent contractor agreements.

• In an 8-0 decision, the Court affirmed the First Circuit, holding that courts should determine whether an exception applies before ordering arbitration and that the FAA exception applies to independent contractors.
Arbitration

Lamps Plus, Inc. v. Varela, No. 17-988
(argued Oct. 29, 2018, decided April 24, 2019)

• Whether the Federal Arbitration Act forecloses a state-law interpretation of an arbitration agreement that would authorize class arbitration based solely on general language commonly used in arbitration agreements.

• In a 5-4 decision, the Court first held that it had jurisdiction because the district court dismissed the case when ordering class arbitration, and it reversed the Ninth Circuit, holding that an ambiguous arbitration agreement cannot supply the required contractual basis for compelling class arbitration.
Arbitration

*Henry Schein, Inc. v. Archer & White Sales, No. 17-1272*

([argued Oct. 29, 2018, decided Jan. 8, 2019)]

• Whether the Federal Arbitration Act permits a court to decline to enforce an agreement delegating questions of arbitrability to an arbitrator if the court concludes the claim of arbitrability is “wholly groundless.”

• In a unanimous decision, the Court vacated the Fifth Circuit’s decision, holding that a “wholly groundless” exception to arbitrability is inconsistent with the FAA, and it remanded for a determination, *inter alia*, of whether the contract at issue delegated the arbitrability question to an arbitrator.
Mission Product Holdings, Inc. v. Tempnology, LLC, No. 17-1657
(argued Feb. 20, 2019; decided May 20, 2019)

• Whether under the Bankruptcy Code a debtor-licensor’s contract breach by “rejection” of a license agreement terminates rights of the licensee that would survive the licensor’s breach under applicable non-bankruptcy law.

• The Court reversed the First Circuit and remanded, holding that a debtor’s rejection of a trademark licensing agreement is equivalent to a breach outside the bankruptcy context and, as such, cannot rescind rights previously granted by the agreement.
Taggart v. Lorenzen, No. 18-489
(,argued April 24, 2019; decided June 3, 2019)

• Whether, under the Bankruptcy Code, a creditor’s good-faith belief that the discharge injunction does not apply precludes a finding of civil contempt.

• In a unanimous decision, the Court vacated the Ninth Circuit’s decision and remanded, holding that a court may hold a creditor in civil contempt if there is no objectively reasonable basis for concluding that the creditor’s conduct might be lawful.
• Whether the holding in Shamrock Oil & Gas Corp. v. Sheets, 313 U.S. 100 (1941)—that an original plaintiff may not remove a counterclaim against it—should extend to third-party counterclaim defendants.

• Whether an original defendant to a class action claim can remove the class action if it otherwise satisfies the jurisdictional requirements of the Class Action Fairness Act when the class action was originally asserted as a counterclaim against a co-defendant.

• In a 5-4 decision, the Court affirmed, holding that neither the Class Action Fairness Act nor the general removal statute (28 U.S.C. §1441(a)) permits removal to federal court by a third-party counterclaim defendant, and thus Home Depot could not remove the class-action complaint filed against it.
Civil Procedure

**Nutraceutical Corp. v. Lambert, No. 17-1094**
(argued Nov. 27, 2018; decided Feb. 26, 2019)

• Whether the Ninth Circuit erred by holding that equitable exceptions apply to all mandatory claim-processing rules, such that Respondent’s failure to petition for permission to appeal or file a motion for reconsideration before the Rule 23(f) deadline was excusable despite Petitioner’s timely objection.

• In a unanimous decision, the Court reversed the decision of the Ninth Circuit, holding that Rule 23(f) is a mandatory nonjurisdictional claim-processing rule not subject to equitable tolling or exception.
In a unanimous decision, the Court agreed with the Eleventh Circuit, holding that the limitations period set out in Section 3731(b)(2) applies in qui tam cases where the United States has declined to intervene and that the private relator in these suits cannot be deemed the “official of the United States” for purposes of that section.
Merck Sharp & Dohme Corp. v. Albrecht, No. 17-290
(.argued Jan. 7, 2019; decided May 20, 2019)

• Is a state-law failure-to-warn claim preempted when the Food and Drug Administration (“FDA”) rejects the drug manufacturer’s proposal to warn about the risk after being provided with the relevant scientific data; or must such a case go to a jury for conjecture as to why the FDA rejected the proposed warning?

• The Court vacated the Third Circuit’s decision and remanded, holding that judges, not juries, must decide whether FDA actions preempt state tort suits alleging failure-to-warn.
Federalism

Tennessee Wine and Spirits Retailers Association v. Thomas, No. 18-96
(argued Jan. 16, 2019; decided June 26, 2019)

• Whether the Twenty-First Amendment empowers States, consistent with the dormant Commerce Clause, to regulate liquor sales by granting retail or wholesale licenses only to individuals or entities that have resided in-state for a specified time.

• The Court affirmed the Sixth Circuit, holding that, notwithstanding the Twenty-First Amendment, the Commerce Clause forbids a State’s regulation of liquor sales by granting licenses only to entities or individuals who have met a State’s residency requirements.
Food Marketing Institute v. Argus Leader Media, No. 18-481 (argued April 22, 2019; decided June 24, 2019)

• Whether the statutory term “confidential” in the Freedom of Information Act Exemption 4 bears its ordinary meaning, thus precluding mandatory disclosure of all “commercial or financial information” that is privately held and not publicly disseminated, regardless of whether a party establishes substantial competitive harm from disclosure.

• Alternatively, if the Court retains the substantial competitive-harm test, is that test satisfied when the party opposing disclosure establishes a reasonable possibility that disclosure might injure financial or commercial interests.

• The Court reversed the Eighth Circuit and remanded, holding that where commercial or financial information is customarily treated as private by its owner and provided to the government under the assurance of privacy, that information is confidential under the meaning of Exemption 4.
Fourth Estate Public Benefit Corp. v. Wall-Street.com, No. 17-571
(avered Jan. 8, 2019; decided March 4, 2019)

• Whether “registration of [a] copyright claim has been made” within the meaning of 17 U.S.C. § 411(a) when the copyright holder delivers the required application, deposit, and fee to the Copyright Office, as the Fifth and Ninth Circuits have held, or only once the Copyright Office acts on that application, as the Tenth Circuit and, in the decision below, the Eleventh Circuit have held.

• In a unanimous opinion, the Court affirmed the decision of the Eleventh Circuit and held that registration occurs, and a copyright claimant may commence an infringement suit, once the Copyright Office has registered a copyright.
Whether, under the Leahy-Smith America Invents Act, an inventor’s sale of an invention to a third party that is obligated to keep the invention confidential qualifies as prior art for purposes of determining the patentability of the invention.

In a unanimous decision, the Court affirmed the Federal Circuit and held that the sale of an invention to a third party who is contractually obligated to keep the invention confidential can qualify as prior art.
**Intellectual Property**

*Iancu v. Brunetti*, No. 18-302
(argued April 15, 2019; decided June 24, 2019)

- Whether 15 U.S.C. § 1052(a)’s prohibition on the federal registration of “immoral” or “scandalous” marks is facially invalid under the Free Speech Clause of the First Amendment.

- The Court affirmed the Federal Circuit and held that the Lanham Act’s prohibition on registration of trademarks deemed “immoral” or “scandalous” violates the First Amendment.
Return Mail, Inc. v. United States Postal Service, No. 17-1594
(argued Feb. 19, 2019; decided June 10, 2019)

• Whether the government is a “person” who may petition to institute review proceedings under the Leahy-Smith America Invents Act.

• The Court reversed the decision of the Federal Circuit and held that the government is not a “person” able to petition the Patent Trial and Appeal Board under that Act for review of the validity of a patent post-issuance.
Intellectual Property

*Rimini Street Inc. v. Oracle USA Inc.*, No. 17-1625
(,argued Jan. 14, 2019; decided March 4, 2019)

• Whether the Copyright Act’s allowance of “full costs” to a prevailing party is limited to taxable costs under 28 U.S.C. §§1821 and 1920, or whether it also allows non-taxable costs.

• In a unanimous decision, the Court reversed the Ninth Circuit decision in part and held that the term “full costs” in Section 505 of the Copyright Act means only those general costs specified in 28 U.S.C. §§ 1821 and 1920.
Dutra Group v. Batterton, No. 18-266
(argued March 25, 2019; decided June 24, 2019)

• Whether punitive damages may be awarded to a Jones Act seaman in a personal injury suit alleging a breach of the general maritime duty to provide a seaworthy vessel.

• The Court reversed and remanded the decision of the Ninth Circuit and held that a seaman cannot recover punitive damages on a claim that he was injured as a result of the unseaworthy condition of the vessel.
Emulex Corp. v. Varjabedian, No. 18-459
(argued April 15, 2019; decided April 23, 2019)

• Whether the Ninth Circuit correctly held, in express
disagreement with five other courts of appeals, that Section 14(e)
of the Securities Exchange Act of 1934 supports an inferred
private right of action based on a negligent misstatement or
omission made in connection with a tender offer.

• In a per curiam order, the Court dismissed the writ of certiorari
as improvidently granted, with no explanation.
Securities Law

*Lorenzo v. Securities and Exchange Commission,*
No. 17-1077

[argued Dec. 3, 2018; decided March 27, 2019]

• Whether the D.C. Circuit erred in concluding a misstatement claim that does not meet the elements set forth in *Janus Capital Group, Inc. v. First Derivative Traders*, 564 U.S. 135 (2011), can be repackaged and pursued as a fraudulent scheme claim under Section 10(b) of the Exchange Act, Rules 10b-5(a) and (c) and Section 17(a)(1) of the Securities Act.

• In an 8-0 decision, the Court affirmed the D.C. Circuit, holding that dissemination of false or misleading statements with intent to defraud can fall within the scope of Rules 10(b)-5(a) and (c), as well as the relevant provisions of the securities laws, even if the disseminator did not “make” the statements (as defined by *Janus*).
Takings

Knick v. Township of Scott, Pennsylvania, No. 17-647

• Whether the Court should reconsider the portion of Williamson County Regional Planning Commission v. Hamilton Bank, 473 U.S. 172 (1985) requiring property owners to exhaust state court remedies to ripen federal takings claims.

• In a 5-4 decision, the Court affirmed the Third Circuit and held that, when a government takes property without compensation, a property owner may bring a Fifth Amendment claim under 42 U.S.C. §1983 directly in federal court, overruling the state-litigation requirement of Williamson County.
Whether the Hobbs Act required the district court to accept the Federal Communications Commission’s legal interpretation of the Telephone Consumer Protection Act.

Without deciding the question presented, the Court vacated the Fourth Circuit’s decision and remanded for consideration of the following two preliminary questions: (1) what is the legal nature of the FCC Order at issue (e.g., is it a legislative rule or an interpretive one), and in any event (2) did the defendant in this putative class action have a “prior” and “adequate” opportunity to seek judicial review of the Order?
OCTOBER TERM 2019

Upcoming Cases (as of August 1, 2019)
Appointments Clause

Fin. Oversight Bd. v. Aurelius Inv., No. 18-1334
Aurelius Inv. v. Puerto Rico, No. 18-1475
Official Comm. of Debtors v. Aurelius Inv., No. 18-1496
United States v. Aurelius Inv., No. 18-1514
UTIER v. Fin. Oversight Bd., No. 18-1521
(petitions granted and consolidated June 20, 2019)

• Whether the Appointments Clause governs the appointment of members of the Financial Oversight and Management Board for Puerto Rico.

• Whether members of the Board are “Officers of the United States” within the meaning of the appointments clause.

• Whether the de facto officer doctrine allows courts to deny meaningful relief to successful separation-of-powers challengers who are suffering ongoing injury at the hands of unconstitutionally appointed principal officers.
Arbitration

GE Energy Power Conversion France SAS v. Outokumpu Stainless USA LLC

No. 18-1048

(petition granted June 28, 2019)

• Whether the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (the “New York Convention”) permits a non-signatory to an arbitration agreement to compel arbitration based on the doctrine of equitable estoppel.
Bankruptcy

*Ritzen Group Inc. v. Jackson Masonry, LLC,* No. 18-938

(petition granted May 20, 2019; argument set November 13, 2019)

• Whether an order denying a motion for relief from the automatic stay is a final order under 28 U.S.C. § 158(a)(1). In diverting from this Court’s prior precedent, and in conflict with the First and Third Circuit Courts of Appeal, the Sixth Circuit ruled that an order denying relief from the automatic stay is *per se* final.
Commerce Clause; Second Amendment

*N.Y. State Rifle & Pistol Assoc. v. City of New York, No. 18-280*

(petition granted January 22, 2019)

• Whether New York City’s ban on transporting a licensed, locked, and unloaded handgun to a home or shooting range outside city limits is consistent with the Second Amendment, the Commerce Clause, and the constitutional right to travel.
Congressional Power

Maine Community Health Options v. United States, No. 18-1023
(petition granted June 24, 2019 and consolidated with 18-1028 & 18-1038)

• Whether—given the “cardinal rule” disfavoring implied repeals, which applies with “especial force” to appropriations acts and requires that repeal not be found unless the later enactment is “irreconcilable” with the former—can an appropriations rider whose text bars the agency’s use of certain funds to pay a statutory obligation, but does not repeal or amend the statutory obligation, and is thus not inconsistent with it, can nonetheless be held to impliedly repeal the obligation by elevating the perceived “intent” of the rider (drawn from unilluminating legislative history) above its text, and the text of the underlying statute.

• Whether—when the federal government has an unambiguous statutory payment obligation, under a program involving reciprocal commitments by the government and a private company participating in the program—the presumption against retroactivity applies to the interpretation of an appropriations rider that is claimed to have impliedly repealed the government’s obligation.
Congressional Power

*Moda Health Plan, Inc. v. United States, No. 18-1028*

(petition granted June 24, 2019 and consolidated with 18-1023 and 18-1038)

• Whether Congress can evade its unambiguous statutory promise to pay health insurers for losses already incurred simply by enacting appropriations riders restricting the sources of funds available to satisfy the government’s obligation.
Land of Lincoln Mutual Health Insurance Co. v. United States, No. 18-1038
(petition granted June 24, 2019 and consolidated with 18-1023 and 18-1028)

• Whether a temporary cap on appropriations availability from certain specified funding sources may be construed, based on its legislative history, to abrogate retroactively the Government’s payment obligations under a money-mandating statute, for parties that have already performed their part of the bargain under the statute.
Employment Discrimination

*Bostock v. Clayton County, Ga., No. 17-1618*

*Altitude Express, Inc. v. Zarda, No. 17-1623*

(petitions granted and consolidated April 22, 2019)

• The question presented in No. 17-1618 is: Whether discrimination against an employee because of sexual orientation constitutes prohibited employment discrimination “because of . . . Sex” under Title VII of the Civil Rights Act of 1964.

• The question presented in No. 17-1623 is: Whether the prohibition in Title VII of the Civil Rights Act of 1964 against employment discrimination “because of . . . Sex” encompasses discrimination based on an individual’s sexual orientation.
Employment Discrimination

R.G. & G.R. Harris Funeral Homes, Inc. v. EEOC, No. 18-107
(petition granted April 22, 2019)

• Whether Title VII prohibits discrimination against transgender people based on (1) their status as transgender or (2) sex stereotyping under Price Waterhouse v. Hopkins (1989).
Environmental

Atlantic Richfield Co. v. Christian, No. 17-1498
(CVSG Oct. 1, 2018; petition granted June 10, 2019)

• Whether a common-law claim for restoration ordered remedies is a “challenge” to EPA’s cleanup jurisdictionally barred by § 113 of CERCLA.

• Whether a landowner at a Superfund site is a “potentially responsible party” that must seek EPA’s approval under CERCLA § 122(e)(6) before engaging in remedial action, even if EPA has never ordered the landowner to pay for a cleanup.

• Whether CERCLA preempts state common-law claims for restoration that seek cleanup remedies.
Environmental

County of Maui, Hawaii v. Hawaii Wildlife Fund, No. 18-260
(petition granted February 19, 2019)

• Whether the Clean Water Act requires a permit when pollutants originate from a point source but are conveyed to navigable waters by a nonpoint source, such as groundwater.
ERISA

Intel Corp. Inv. Policy Committee v. Sulyma,
No. 18-1116
(petition granted June 10, 2019)

• Whether the three-year limitations period in Section 413(2) of the Employee Retirement Income Security Act, 29 U.S.C. 1113(2), which runs from “the earliest date on which the plaintiff had actual knowledge of the breach or violation,” bars suit where all of the relevant information was disclosed to the plaintiff by the defendants more than three years before the plaintiff filed the complaint, but the plaintiff chose not to read or could not recall having read the information.
Retirement Plans Committee of IBM v. Jander
No. 18-1165
(petition granted June 3, 2019)

• Whether the “more harm than good” pleading standard of Fifth Third Bancorp. v. Dudenhoeffer (2014) for claims for breach of the fiduciary duty of prudence based on inside information under ERISA can be satisfied by allegations that the harm of an inevitable disclosure of an alleged fraud generally increases over time.
Thole v. U.S. Bank, N.A., No. 17-1712
(CVSG October 1, 2019; petition granted June 28, 2019)

• Whether an ERISA plan participant or beneficiary may seek injunctive relief against fiduciary misconduct under 29 U.S.C. 1132(a)(3) without demonstrating individual financial loss or the imminent risk thereof.

• Whether an ERISA plan participant or beneficiary may seek restoration of plan losses caused by fiduciary breach under 29 U.S.C. 1132(a)(2) without demonstrating individual financial loss or the imminent risk thereof.

• Whether petitioners have demonstrated Article III standing (question added by the Court).
Rotkiske v. Klemm, No. 18-328
(petition granted Feb. 25, 2019)

• Whether the “discovery rule” applies to toll the one year statute of limitations under the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692, et seq.
Opati v. Republic of Sudan, No. 17-1268
(CVSG June 11, 2018; petition granted June 28, 2019)

• Whether, consistent with this Court’s decision in Republic of Austria v. Altmann, 541 U.S. 677 (2004), the Foreign Sovereign Immunities Act applies retroactively, thereby permitting recovery of punitive damages under 28 U.S.C. §1605A(c) against foreign states for terrorist activities occurring prior to the passage of the current version of the statute.
Allen v. Cooper, No. 18-877
(petition granted June 3, 2019)

• Whether Congress validly abrogated state sovereign immunity via the Copyright Remedy Clarification Act in providing remedies for authors of original expression whose federal copyrights are infringed by States.
• Whether 35 U.S.C. § 314(d) permits appeal of the Patent Trial and Appeal Board’s decision to institute an *inter partes* review upon finding that § 315(b)’s time bar did not apply.
Whether the government edicts doctrine [under which judicial opinions are not copyrightable] extends to—and thus renders uncopyrightable—works that lack the force of law, such as the annotations in the Official Code of Georgia Annotated.
Intellectual Property

Lucky Brand Dungarees Inc. v. Marcel Fashion Group Inc., No. 18-1086
(petition granted June 28, 2019)

• Whether, when a plaintiff asserts new claims, federal preclusion principles can bar a defendant from raising defenses that were not actually litigated and resolved in any prior case between the parties.
Peter v. NantKwest, Inc., No. 18-801
(petition granted Mar. 4, 2019, argument set Oct. 7, 2019)

• Whether the phrase “[a]ll the expenses of the proceedings” in 35 U.S.C. § 145 encompasses the personnel expenses the U.S. Patent and Trademark Office incurs when its employees, including attorneys, defend the agency in Section 145 litigation.
Romag Fasteners Inc. v. Fossil Inc.  No. 18-1233
(petition granted June 28, 2019)

• Whether, under Section 35 of the Lanham Act, 15 U.S.C. §1117(a), willful infringement is a prerequisite for an award of an infringer’s profits for a violation of Section 43(a), 15 U.S.C. § 1125(a).
CITGO Asphalt Refining v. Frescati Shipping Co., Ltd., No. 18-565

(petition granted April 22, 2019, argument set Nov. 5, 2019)

- Whether under federal maritime law a safe-berth clause in a voyage charter contract is a guarantee of a ship’s safety or a duty of due diligence.
Section 1981

Comcast Corp. v. Nat’l Assoc. of African American-Owned Media, No. 18-1171

(petition granted June 10, 2019, argument set Nov. 13, 2019)

Rodriguez v. Federal Deposit Insurance Corp.
No. 18-1269
(petition granted June 28, 2019)

Whether courts should determine ownership of a tax refund paid to an affiliated group based on the federal common law “Bob Richards rule,” as three circuits hold, or based on the law of the relevant state, as four circuits hold.
CALLS FOR THE VIEWS OF THE SOLICITOR GENERAL (CVSG)

Pending certiorari petitions for which the Supreme Court has requested the opinion of the Solicitor General on whether to grant review
Employment

Patterson v. Walgreen Co., No. 18-349
(CVSG March 18, 2019)

• Whether an accommodation that merely lessens or has the potential to eliminate the conflict between work and religious practice is “reasonable” per se, as the First, Fourth, and Eleventh Circuits hold; does it instead create a jury question, as the Eighth and Tenth Circuits hold; or must an accommodation fully eliminate the conflict in order to be “reasonable,” as the Second, Sixth, Seventh, and Ninth Circuits hold.

• Whether speculation about possible future burdens is sufficient to meet the employer’s burden in establishing “undue hardship,” as the Fifth, Sixth and Eleventh Circuits hold, or must the employer demonstrate an actual burden, as the Fourth, Eighth, Ninth, and Tenth Circuits hold.

• Whether the portion of TWA v. Hardison, 423 U.S. 63 (1977) opining that “undue hardship” simply means something more than a “de minimis cost” be disavowed or overruled.
是否ERISA原告承担证明“计划损失来自”受托人违反责任的负担，或是否ERISA被告承担反驳损失因果关系的负担。

是否证明特定的投资选择没有表现得比一组指数基金好足以在法律上作为证明“计划损失”的依据。

“是否证明特定的投资选择没有表现得比一组指数基金好足以在法律上作为证明“计划损失”的依据。”
Rutledge v. Pharm. Care Mgmt. Assoc., No. 18-540
(CVSG April 15, 2019)

• Whether the Eighth Circuit erred in holding that Arkansas’s statute regulating pharmacy benefit managers’ drug-reimbursement rates, which is similar to laws enacted by a substantial majority of States, is preempted by ERISA, in contravention of this Court’s precedent that ERISA does not preempt rate regulation.
foreign Sovereign Immunity; Civil Procedure

Clearstream S.A. v. Peterson, No. 17-1529
Banca UBAE, S.P.A. v. Peterson, No. 17-1530
Bank Markazi v. Peterson, No. 17-1534
(CVSG October 1, 2018)

• Whether a foreign sovereign’s property outside the United States is entitled to sovereign immunity.

• Whether a federal appellate court is required to decide personal jurisdiction over a defendant where the record in the trial court and on appeal is complete, the parties briefed the issue in the trial court and on appeal, but the appellate court ignored the question.
Google LLC v. Oracle America, Inc.,
No. 18-956
(CVSG, April 29, 2019)

• Whether copyright protection extends to a software interface.

• Whether, as the jury found, petitioner’s use of a software interface in the context of creating a new computer program constitutes fair use.
Intellectual Property

HP Inc. v. Berkheimer, No. 18-415
(CVSG Jan. 7, 2019)

• Whether patent eligibility is a question of law for the court based on the scope of the claims or a question of fact for the jury based on the state of the art at the time of the patent.
• Whether patents that claim a method of medically treating a patient automatically satisfy Section 101 of the Patent Act, even if they apply a natural law using only routine and conventional steps.
Preemption

Avco Corp. v. Sikkelee, No. 18-1140
(CVSG June 24, 2019)

• Whether the Federal Aviation Act pre-empts state-law design-defect claims.
For more than 20 years, Deanne Maynard, co-chair of Morrison & Foerster’s Appellate and Supreme Court practice, has briefed and argued significant appeals in the United States Supreme Court and appellate courts across the country. She has argued 14 cases before the Supreme Court and filed over 100 briefs in that Court.

Clients describe Ms. Maynard as “wicked smart” (Chambers USA) and “one of the finest advocates in the Supreme Court bar” (Legal 500), remarking that "if she is on your team, great. If she’s on the other side, be ready." Her Supreme Court arguments involve a wide range of issues and industries, including life sciences (Sandoz v. Amgen), intellectual property (MedImmune v. Genentech), bankruptcy (RadLAX v. Amalgamated Bank), financial services (Ransom v. FIA Card Services), and antitrust (Pacific Bell v. linkLine). In Sandoz v. Amgen, the Supreme Court ruled unanimously for her client Sandoz in a closely watched case involving the Biologics Price Competition and Innovation Act, which provides a streamlined approval path for biosimilars. Law360 named Ms. Maynard to its exclusive list of Appellate MVPs for this “big victory,” which it described as “a major decision that will speed up access to the lower-cost medicines,” and it dubbed her a “Legal Lion” three separate times for her work on appeals in this case.

Ms. Maynard also argues complex, high stakes cases in the federal courts of appeals. In Estate of Graham v. Sotheby’s, she successfully argued to the en banc Ninth Circuit that a California copyright royalty statute was unconstitutional as applied outside the State. Her victories include notable reversals, including convincing the Federal Circuit to vacate a $101 million jury verdict and the Ninth Circuit to set aside a $60 million jury verdict.

Ms. Maynard’s appellate practice is nationwide. She has particular experience in the Federal Circuit, where she has argued 35 appeals, representing both patentees and defendants, on a variety of technologies. Clients note that “in the pharmaceuticals patent space she’s at the very top of the game” (Chambers USA). Ms. Maynard also appears regularly in the Ninth Circuit, where she has argued more than 15 appeals. Clients praise her as "an incredible oral advocate, very prepared and formidable" (Chambers USA), “exceptionally talented” and as "a tireless advocate with sterling client skills" (Legal 500).

Before joining Morrison & Foerster, Ms. Maynard served as an Assistant to the Solicitor General at the U.S. Department of Justice for five years. She previously was a partner at another major law firm.

After law school, Ms. Maynard clerked twice on the Supreme Court. She clerked for Justice Stephen Breyer in his first year. During the previous Term, she clerked for Justice Lewis Powell (Ret.) and Justice John Paul Stevens. Before that, Ms. Maynard clerked two years for Judge Stanley Harris of the U.S. District Court for the District of Columbia.
Ms. Maynard graduated magna cum laude from Harvard Law School, where she was an editor of the *Harvard Law Review*. She earned a B.A. in English, with distinction, from the University of Virginia.

Ms. Maynard is annually recommended as a leading lawyer by *Chambers USA, Legal 500 US*, and *Best Lawyers in America*. She is a Fellow in the American Academy of Appellate Lawyers, selected for her distinction as an appellate lawyer.

Ms. Maynard serves on the Board of Trustees of the Supreme Court Historical Society. She also is a Master in, and Past President of, the Coke Appellate Inn of Court.

**SUPREME COURT ARGUMENTS**

*Sandoz v. Amgen*
Involving the Supreme Court’s first foray into the Biologics Price Competition and Innovation Act, which creates a streamlined approval path for biosimilars.

*RadrLAX v. Amalgamated Bank*
Whether a debtor can sell a secured asset free and clear without permitting the lienholder to credit-bid.

*Pacific Bell v. linkLine*
Whether Section 2 of the Sherman Antitrust Act permits a prize squeeze claim in the absence of a duty to deal.

*MedImmune v. Genentech*
Whether a patent licensee must breach a license agreement before seeking a declaration of patent invalidity.

*Ransom v. FIA Card Services*
Involving when a debtor without lease payments may take a car-ownership deduction.

*EC Term of Years Trust v. U.S.*
Whether the federal tax code relegates a trust to a wrongful levy action as its exclusive remedy.
Marshall v. Marshall
Involving the scope of the probate exception to federal jurisdiction.

U.S. v. Olson
Involving the federal government’s sovereign immunity under the Federal Tort Claims Act.

Wilkinson v. Austin
Whether the procedures governing placement of prisoners in supermax prison satisfied due process.

Greenlaw v. U.S.
Involving the power of the court of appeals in the absence of a cross-appeal.

Dean v. U.S
Whether the accidental discharge of a firearm during a robbery results in a mandatory minimum prison term.

Carcieri v. Salazar
Involving the Secretary of the Interior’s authority to take land into trust for Indians.

Boulware v. U.S.
Whether a profitless corporation’s diversion of funds to a shareholder was nontaxable.

Watson v. U.S.
Whether trading drugs for a firearm was “using” a firearm “during and in relation” to a drug trafficking crime.

REPRESENTATIVE APPELLATE ARGUMENTS

BASF v. Johnson Matthey
(Fed. Cir.). Won reversal of an invalidity ruling, reviving our client BASF’s patent claims.
Washington University v. Wisconsin Alumni Research Foundation
(3d Cir.). Obtained reversal for Washington University in suit for royalties due under contract with WARF.

Lower Elwha Klallam Indian Tribe v. Lummi Nation
(9th Cir.). Won reversal for the Lummi Nation, reclaiming its historic treaty rights.

AFMS v. United Parcel Service and FedEx
(9th Cir.). Prevailed in significant antitrust case, defeating claims against our client UPS.

Teva v. Sandoz
(Fed. Cir.). Both before and after Supreme Court review, obtained ruling of patent invalidity for indefiniteness.

In re ATM Fee Antitrust Litigation
(9th Cir.). Prevailed in putative nationwide antitrust class action against one of the largest ATM networks in the U.S.

Warsaw Orthopedic v. NuVasive
(Fed. Cir.). Obtained vacatur of a jury’s $101 million patent damages award.

Estate of Graham v. Sotheby’s
(9th Cir.) (en banc). Secured invalidation of parts of a California artist royalty law as violative of the Commerce Clause.

Momenta v. Amphastar
(Fed. Cir.). Successfully argued for patentee that certain conduct was not protected by the Hatch-Waxman safe harbor.

In Re: Tremont Securities Law
(2d Cir.). Secured dismissal for major accounting firm of putative class action regarding a Madoff-related fund.

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**Augme Technologies v. Yahoo!**
(Fed. Cir.). Secured non-infringement judgment for Yahoo! in suit involving Internet display advertising.

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**Interactive Digital Software Association v. St. Louis County, Missouri**
(8th Cir.). Successfully argued that local ordinance regulating video games violated the First Amendment.

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**Neurovision Medical Products v. NuVasive**
(9th Cir.). Obtained vacatur of jury’s $60 million trademark verdict.

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**Ruiz v. Gap**
(9th Cir.). Secured dismissal of claims in putative class action lawsuit involving privacy and identity theft.

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**Residential Capital v. Federal Housing Finance Agency**
(2d Cir.). Successfully obtained remand in case stemming from ResCap bankruptcy.
DONALD B. VERRILLI, JR.

Donald B. Verrilli, Jr. is a partner with Munger, Tolles & Olson, and the founder of its Washington, D.C., office. In addition to handling matters before the U.S. Supreme Court and the courts of appeals, Mr. Verrilli’s practice focuses on representing and counseling clients on multi-dimensional problems, where litigation, regulation and public policy intersect to shape markets and industries in our evolving economy.

Mr. Verrilli is one of the nation’s premier Supreme Court and appellate advocates. He served as Solicitor General of the United States from June 2011 to June 2016. During that time he argued dozens of cases before the U.S. Supreme Court, was responsible for representing the United States government in all appellate matters before the High Court and in the courts of appeals, and was a legal advisor to President Barack Obama and the Attorney General.

Mr. Verrilli’s landmark victories include his successful advocacy in defense of the Affordable Care Act in National Federation of Independent Businesses v. Sebelius and King v. Burwell; his successful advocacy for marriage equality in Obergefell v. Hodges and United States v. Windsor; and his vindication of federal immigration authority in Arizona v. United States. He also achieved important victories in two patent cases, Alice Corp. v. CLS Bank and Association for Molecular Pathology v. Myriad Genetics, in a case vindicating the president’s foreign affairs authority in Zivotofsky v. Kerry, and in numerous cases involving civil rights, women’s rights and other matters of national importance.

In addition to these matters, Mr. Verrilli’s U.S. Supreme Court arguments have included cases involving antitrust, copyright, telecommunications, the environment, the First Amendment, the Equal Protection and Due Process Clauses of the Fourteenth Amendment, the separation of powers, criminal law and other federal constitutional and statutory matters.

Before serving as Solicitor General, Mr. Verrilli served as Deputy White House Counsel, and previously as Associate Deputy Attorney General in the U.S. Department of Justice. In those positions, he counseled President Obama, Cabinet secretaries and other senior government officials on a wide range of legal issues involving national security, economic regulation, domestic policy and the scope of executive and administrative authority.

Before joining the government, Mr. Verrilli spent two decades in private practice representing companies in their most high stakes matters, particularly in the areas of media and entertainment, telecommunications and First Amendment law. During this time, Mr. Verrilli argued a dozen cases before the U.S. Supreme Court, including MGM Studios, Inc. v. Grokster, which established in 2005 that file sharing services were subject to the copyright laws, and FCC v. NextWave, which established that the bankruptcy laws allow FCC licensees to keep their licenses while reorganizing. He also achieved a landmark victory before the U.S. Supreme Court in Wiggins v. Smith, a case that established the standards for effective assistance of counsel in capital sentencing proceedings.

While in practice previously, he taught First Amendment law for many years at the Georgetown University Law Center.

Speaking Engagements

- Panelist, The Supreme Court: Who’s the Ninth and What’s on the Docket?, American Bar Association Section of Environment, Energy and Resources’ 46th Spring Conference, March 30, 2017
- Panelist, 2017 Supreme Court Review and Preview, Georgetown University Law Center Corporate Counsel Institute, March 17, 2017
Speaker, Oxford Union, Feb. 28, 2017
Speaker, Conversation with President and CEO Jeffrey Rosen, National Constitution Center, Jan. 23, 2017
Keynote Speaker, General Counsel Meeting, Advanced Medical Technology Association (AdvaMed), Dec. 14, 2016
Panelist, An Overview of Developments at the United States Supreme Court, USC Gould School of Law’s Institute for Corporate Counsel, Dec. 7, 2016
Panelist, Supreme Court in Focus, Bloomberg Next.Law Conference, Nov. 17, 2016
Panelist, Future of Environmental Law, U.S. Department of Justice’s Environment and Natural Resources Division Symposium, Nov. 4, 2016
Myron T. Steele is a partner in the firm’s Corporate Group. He is the former Chief Justice of the Supreme Court of Delaware.

Previously, he served as a Judge of the Superior Court and a Vice Chancellor of the Delaware Court of Chancery after eighteen years in private litigation practice. He has presided over major corporate litigation and LLC and limited partner governance disputes, and writes frequently on issues of corporate document interpretation and corporate governance.


For the last ten years he served as judicial advisor to the Mergers and Acquisitions Committee of the ABA Business Law Section. He also co-authored an article entitled “Freedom of Contract and Default Contractual Duties in Delaware Limited Partnerships and Limited Liability Companies” (46 Am. Bus. L.J. 221 (Summer 2009)) and an essay entitled “The Moral Underpinning of Delaware’s Modern Corporate Fiduciary Duties” (26 Notre Dame J.L. Ethics & Pub. Pol’y 3 (2012)).

**EDUCATION**

University of Virginia School of Law, J.D., 1970; LL.M., 2005

University of Virginia, B.A., Foreign Affairs

**BAR & COURT ADMISSIONS**

Delaware

Virginia

United States District Court for the District of Delaware

United States Supreme Court

**PRACTICES**

- Business & Commercial Litigation
- Commercial Litigation
- Corporate Counseling
- Corporate Counseling & Governance
- Corporate Law
- Corporate Litigation
- Mergers, Acquisitions & Divestitures

**PROFESSIONAL ACTIVITIES AND HONORS**

Ranked as one of the 100 most influential people in corporate governance in the United States by The Directorship Magazine

Ranked as second in its list of “the 100 Most Influential People in Business Ethics for 2007” by Ethisphere Magazine

Lawdragon Magazine has consistently placed him among its annual Lawdragon 500 "Leading Lawyers in America" and "Top Judges in America" and named him to The Lawdragon Legends in 2015

Past President of the Conference of Chief Justices (CCJ) and Chair of the National Center for State Courts (NCSC) Board of Directors for 2012-2013
Chief Justice Steele served as Adjunct Professor of Law at University of Pennsylvania Law School from 2009–2013; University of Virginia Law School 2010–2017; and Pepperdine University Law School 2010–2014.

Publications

- Steele Co-authors Chapter on Fiduciary Duties of Directors of Financially Troubled Corporations
  *Reorganizing Failing Businesses, A Comprehensive Review and Analysis of Financial Restructuring and Business Reorganization*, June 1, 2017

- *Singh v. Attenborough*: Delaware Supreme Court Slams Door Shut on Aiding and Abetting Claims Against Board Advisors
  *Business Law Today*, August 18, 2016

- Appointment of Independent Directors on the Eve of Bankruptcy: Why the Growing Trend? Examining Delaware Corporate Governance Through the Nebulous Zone of Insolvency Lens and Delaware ABO Related Issues in the Bankruptcy Court
  April 10, 2014

News

- Potter Anderson Advises on Four Deals Named Finalists for The Deal Awards 2019
  May 30, 2019

- Legal 500 US 2019 Recognizes Potter Anderson Among Top M&A Litigation Defense Firms
  May 29, 2019

- Benchmark Litigation Recognizes Seven Potter Anderson Litigators in 2019 Guide
  October 2, 2018

- 30 Potter Anderson Attorneys Named to the 2019 Best Lawyers® List
  August 15, 2018

- Legal 500 Recognizes Potter Anderson Among Top M&A Litigation Defense Firms
  May 30, 2018

- Legal 500 Recognizes Potter Anderson for M&A Litigation Defense and “Standout Attorneys”
  June 1, 2017

- Steele Elected VP and Treasurer of American College of Governance Counsel
  May 8, 2017

- Steele Inducted Into Lawdragon Hall of Fame
  May 1, 2017

- Potter Anderson Partner and Former Chief Justice of the Delaware Supreme Court, Myron T. Steele, to be Inducted into The Warren E. Burger Society
  November 17, 2016

- Potter Anderson Partner, Myron T. Steele, to Speak at the 22nd Annual Distressed Investing Conference
  November 30, 2015

- Potter Anderson partner, Myron T. Steele, to speak at the USC Marshall Corporate Directors Forum in Los Angeles
  November 12, 2015

- Myron T. Steele to speak on a DealLawyers.com webcast November 5, 2015
  November 5, 2015

- Potter Anderson and Widener University Delaware Law School Welcome Liberian Legal Contingent
  August 24, 2015

Co-Chair on the ABA Joint Task Force on M&A Litigation
Awarded the 2012 Judicial Achievement Award by the U.S. Chamber Institute for Legal Reform in Washington, DC
Inducted into The Citadel Business School's 2015 Hall of Fame: Leaders of Principle
Vice President, Treasurer, member of Board of Trustees and founding Fellow of the American College of Governance Counsel
American College of Governance Counsel Names Myron T. Steele to Board of Trustees
April 21, 2015

Potter Anderson Partners to Speak at the 2015 ABA Business Law Section Spring Meeting
April 16-18, 2015

Potter Anderson Partner, Myron T. Steele, Inducted into The Citadel Business School Hall of Fame
April 9, 2015

Myron T. Steele Honored for his Contributions to the Legal Field
Ethisphere Magazine ranked Myron T. Steele second in its list of the 100 Most Influential People in Business Ethics
Ethisphere Magazine, December 24, 2014

Potter Anderson Partner, Myron T. Steele, Named to the NACD Hall of Fame
October 15, 2014

Former Chief Justice of the Delaware Supreme Court and Potter Anderson Partner, Myron T. Steele, Named Weinberg Center Advisory Board Chair
August 4, 2014

Chief Justice Myron T. Steele of the Supreme Court of Delaware to Join Potter Anderson
November 13, 2013

Events & Speaking Engagements

- Steele Joins Tulane Corporate Law Institute Panel on ESG as Shareholder Concern
  March 14, 2019

- Steele Shares Insights From the Delaware Bench and Bar
  March 13, 2019

- Steele Speaks on IBA Panel About Combating Unethical Lawyer Behavior
  October 10, 2018

- Steele and Davey Address Migration From Chancery Court to 10b-5 Securities Class Actions
  April 14, 2018

- Steele Discusses Board Special Committees and Proactive Internal Investigations
  April 11, 2018

- Steele Weighs in on Evolving Role of Corporate Director
  March 28, 2018

- Steele Provides ‘View From the Bench’ at M&A Liability Summit
  December 5, 2017

- Steele Weighs in on What Happens When Investors and Founders Collide
  October 9, 2017

- O’Toole and Steele Present at Delaware Corporate Law Anniversary Symposium
  September 27, 2017

- Steele Speaks at International M&A Conference
  June 7, 2017

- Potter Anderson Partners Highlight Key Issues for Directors at Citadel Directors’ Institute
  April 21, 2017

- Steele Speaks on Panel About Ethics and Professionalism
  March 31, 2017

- Steele Weighs in on Judicial and Legislative Developments
  January 23, 2017

- State of Delaware and CT Corporation Breakfast Event in Chicago
  September 15, 2016
- 2016 Annual Education Program of the Florida Conference of District Court of Appeal Judges
  September 8, 2016
- 2016 Kellogg Corporate Governance Conference
  May 23-24, 2016
- The Significance of Recent Developments in Delaware Corporate Governance Law and What Practitioners and Their Clients Need to Know
  May 3, 2016
- Potter Anderson Partners to Speak at the 7th Annual Citadel Directors' Institute
  April 22, 2016
- ABA CLE Webinar: Aiding and Abetting Liability in Mergers and Acquisitions
  April 14, 2016
- Two Potter Anderson Attorneys to Speak at the 38th Annual Conference on Securities Regulation and Business Law
  Dallas, TX, February 11-12, 2016
- Potter Anderson Partner, Myron T. Steele, to Serve as Keynote Speaker at PLI's Corporate Governance - A Master Class 2016
  New York, NY, February 10, 2016
- Potter Anderson Partner, Myron T. Steele, to Speak at the Society of Corporate Secretaries & Governance Professionals National Conference
  Chicago, IL, June 24-27, 2015
- Myron T. Steele will Give Opening Keynote Address at International Law Conference in Athens, Greece
  Athens, Greece, June 16-17, 2015
- Potter Anderson partner, Myron T. Steele to Speak at the 14th Annual International Mergers and Acquisitions Conference
  Waldorf Astoria, New York, NY, June 10-11, 2015
- Two Potter Anderson Partners to Speak at PLI's Delaware Law Developments 2015: What All Business Lawyers Need to Know
  New York, NY, June 4, 2015
- Potter Anderson Partner, Myron Steele, to Speak at The 2015 Executive Compensation Conference
  New York, NY, May 5-6, 2015
- Potter Anderson Partners to Speak at The Citadel 6th Annual Directors' Institute 2015
  May 1, 2015
- Two Potter Anderson Partners to Speak at the 37th Annual Conference on Securities Regulation and Business Law
  Dallas, TX, February 12-13, 2015
- Three Potter Anderson Partners to Speak at the 2nd Annual Delaware Law Issues Update
  University of Delaware, November 19 - 20, 2014
- NACD Southern California Chapter: How Informed Board Members Can Navigate a Difficult Transaction in 2015
  Los Angeles, CA, November 11, 2014
- Potter Anderson Partner, Myron T. Steele, to Present at Delaware Business Law Forum
  Myron T. Steele to Moderate Panel: What is the Future of the Board-Centric Model?
  October 24, 2014
- Myron T. Steele to Present on Panel: Eat, Pray, Represent Me: Are You My Client and Do I Owe You a Duty?
  Toyko, Japan, October 19 - 24, 2014