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## Please Join Us!

### Cybersecurity Executive Order: A Briefing

Please join Venable LLP for a briefing on the Cybersecurity Executive Order, how it is likely to affect key sectors of the economy, and what it means for future cybersecurity regulation. The briefing will include government officials involved in federal cybersecurity initiatives, as well as Venable lawyers who will explain the importance of the Executive Order to the energy, telecommunications, defense, financial services, and transportation industries.

#### Monday, March 11, 2013

Luncheon/Program

12:00 p.m. - 2:00 p.m. ET

[Click here to register](#)

Webinar

12:30 p.m. - 2:00 p.m. ET

[Click here to register](#)

## Honors and Awards



## Latest News and Alerts

Venable attorneys produce periodic alerts and newsletters covering a variety of topics and practice areas. For your convenience, we have assembled below a collection of the latest alerts and newsletters from February 2013. To view the full text of an article, please click on the title of the piece.

### Executive Order Opens Consultative Processes to Draft Cybersecurity Framework for Critical Infrastructure

On February 12, 2013, President Obama signed an Executive Order aimed at enhancing the security of U.S. critical infrastructure by establishing a voluntary program for the adoption of cybersecurity standards to protect critical infrastructure, as well as a public-private partnership for information sharing.

**Authors:** Michael J. Baader, Jamie Barnett, Rear Admiral (Ret.), Raymond V. Shepherd, III, Anthony J. Rosso, Robert L. Smith, II, Brian M. Zimmet, Dismas Locaria, Kathryn K. Floyd, Andrew E. Bigart, Jason R. Wool, Sejal C. Shah, Amanda C. Blunt

### Maryland Cybersecurity-Related Legislative Developments

The Maryland State Senate is considering several cybersecurity-related bills to advance the state's efforts to be the epicenter for cybersecurity. Maryland has already enacted several measures to foster cybersecurity companies and their technologies.

**Authors:** Michael J. Baader, Anthony J. Rosso, Dismas Locaria, Ryan M. Sweigard

### NIST Seeking Comments on Revised Standards for FISMA Compliance

On February 6, 2013, the National Institute of Standards and Technology (NIST) requested public comment on its latest revised draft of "Security and Privacy Controls for Federal Information Systems and Organizations," (Special Publication (SP) 800-53, Revision 4). Any government contractor responsible for maintaining a "FISMA compliant" information system will want to be aware of this latest revision to SP 800-53.

**Authors:** Michael J. Baader, Jamie Barnett, Rear Admiral (Ret.), Raymond V. Shepherd, III, Anthony J. Rosso, Robert L. Smith, II, Dismas Locaria, Keir X. Bancroft, Andrew E. Bigart, Jason R. Wool, Amanda C. Blunt

### CFPB Initiative to Promote Student Loan Payment Plans

The Consumer Financial Protection Bureau ("CFPB") responding to the growing amount of student loan debt, has initiated a request for information "to determine options that would increase the availability of affordable payment plans for borrowers with existing private student loans" on February 27, 2013.

**Author:** Jonathan L. Pompan

### FY 2013 NDAA Provides DCAA With Greater Internal Audit Report Access: Is Your Company Prepared?

In February 2012, Venable's Government Contracts Practice Group released an alert regarding then-recent initiatives to measure the Defense Contract Audit Agency's (DCAA) access to contractor internal audit reports and the likely impact resulting from these initiatives.

**Authors:** John M. Farenish, Christina K. Kube

### FMC Proposes Permitting Foreign-Based NVOCCs to Use Negotiated Rate Agreements

On February 22, the Federal Maritime Commission (FMC) issued a proposed rule that would permit foreign-based unlicensed non-vessel-operating common carriers (NVOCCs) to offer and enter into Negotiated Rate Arrangements (NRAs) covering ocean transport services in the U.S. foreign commerce.

**Authors:** Ashley W. Craig, Elizabeth K. Lowe, Amanda C. Blunt

### EPA Proposes New Controls for Chemicals Used in Petroleum Refining: Will They Affect Your Operations?

Companies involved in petroleum refining operations or that import chemical substances used in such operations should be aware of a recent regulatory proposal issued by U.S. EPA under the Toxic



Substances Control Act (TSCA) that could impact their operations.

**Authors:** Lindsay B. Meyer, Allison D. Foley, Amanda C. Blunt

#### **Southern District of New York Ruling May Present Challenges for FCPA Defendants**

A recent ruling in the Southern District of New York rejected two defenses in a Foreign Corrupt Practices Act (FCPA) case, resulting in an interpretation of the law that could have damaging consequences for defendants who are foreign nationals.

**Authors:** William H. Devaney, Nancy R. Grunberg, Jan Lawrence Handzlik, Geoffrey R. Garinther, Hillary S. Profita

#### **The Antitrust Implications of Non-Compete Agreements**

The Federal Trade Commission's (FTC) recent settlement in *In the Matter of Oltrin* prohibiting use of a geographic non-compete by two companies in the bulk bleach industry is a reminder that the antitrust agencies look closely at non-competes, especially when the parties to the non-competes have market power.

**Authors:** Lisa Jose Fales, Robert P. Davis, Andrew E. Bigart

#### **The Supreme Court's Decision in Amgen Reshapes the Securities Class Certification Battlefield**

On February 27, 2013, the U.S. Supreme Court issued one of the most highly anticipated securities law decisions in recent years in *Amgen Inc. v. Connecticut Retirement Plans and Trust Funds*.

**Authors:** Kostas D. Katsiris, Thomas J. Welling

#### **Advertising News & Analysis**

- **February 7, 2013 Edition**

Highlights include comments on the recent Jon Leibowitz departure from the FTC, lessons from FTC's *POM Wonderful* decision, and a review of advertising claims made by networks and marketers.

- **February 14, 2013 Edition**

Highlights include a review of recent NAD decisions, a review of the *Apple Inc. v. Superior Court (Krescent)* case, comments in the Four Loko settlement, and a discussion of CFPB's focus on use of social media by financial services providers.

- **February 21, 2013 Edition**

Highlights include a review of the 2013 CFPB Agenda, a review of the NAD False Advertising Challenge, and an overview of 2013 FTC plans.

#### **IP Buzz - February 2013**

Highlights include a review of new USPTO Patent Fees, a discussion of the second mandamus decision in *In re EMC Corp.*, and a review of a case that is expected to resolve the decades old tension between copyright law's first sale doctrine.

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## Upcoming Events

We would also like to highlight upcoming Venable events that you may be interested in attending. Please click on the event title for additional information.

#### **Cybersecurity Executive Order – A Briefing**

**March 11, 2013**  
**12:00 p.m. - 2:00 p.m. ET**

Please join Venable LLP for a briefing on the Cybersecurity Executive Order, how it is likely to affect these and other key sectors of the economy, and what it means for future cybersecurity regulation. The briefing will include government officials involved in federal cybersecurity initiatives, as well as Venable lawyers who will explain the importance of the Executive Order to the energy, telecommunications, defense, financial services, and transportation industries.

**Speakers:** Jamie Barnett, Rear Admiral (Ret.), Stuart P. Ingis, John E. Bowman, James H. Burnley IV, Dismas Locaria, Brian M. Zimmet

#### **Protecting Your Nonprofit Housing Counseling Agency's 501(c)(3) Status**

**March 12, 2013**  
**1:30 p.m. - 3:00 p.m. EST**

Join leading nonprofit attorneys to learn what this all means for your agency and the communities you serve, and what you can do to proactively shape your own future.

**Speakers:** [Jeffrey S. Tenenbaum](#), [Jonathan L. Pompan](#), [George E. Constantine](#), [Matthew T. Journy](#)

#### **Unfunded Sponsors**

**March 12, 2013**  
**6:00 p.m. - 8:00 p.m. ET**

Join Venable LLP & Opus Connect for the New York chapter event that will discuss unfunded sponsors, a growth segment within the deal community.

#### **Deal Connection Event: Event for Capital Providers and Independent Sponsors**

**March 13, 2013**  
**7:45 a.m. - 3:00 p.m. ET**

Opus Connect is presenting 'Deal Connection' Event, an efficient way for independent sponsors and capital providers/funds to meet one another in an organized manner. Each highly qualified participant will rotate and have short and to the point one on one meetings, where each side will present their business standpoint, aimed at fostering potential business relationships.

#### **Preparing an Online Social Media Policy: The Top Ten Legal Considerations for Your Nonprofit**

**March 13, 2013**  
**12:00 p.m. - 2:00 p.m. ET**

This program will highlight the most important legal considerations to keep in mind when developing or updating your nonprofit's online social media policy.

**Speakers:** [Jeffrey S. Tenenbaum](#), [Ronald W. Taylor](#), [Armand J. \(A.J.\) Zottola](#)

#### **Raising Funds for Nonprofits: Key Legal Issues, Common Pitfalls & New Intellectual Property Concerns**

**March 28, 2013**  
**12:00 p.m. - 2:00 p.m. ET**

Nonprofit fundraising touches upon a wide variety of key legal issues, many of which may be unfamiliar. In the highly competitive funding environment, it is critical for nonprofit leaders to understand regulatory requirements and other legal matters related to raising money. This program will highlight important legal considerations and common pitfalls.

**Speakers:** [Jeffrey S. Tenenbaum](#), [Marcella Ballard](#), [Kristalyn J. Loson](#)

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## Honors and Awards

An *American Lawyer* 100 law firm, Venable serves corporate, institutional, governmental, nonprofit and individual clients throughout the U.S. and around the world. Headquartered in Washington, DC, with offices in California, Maryland, New York and Virginia, Venable LLP lawyers and legislative advisors serve the needs of our domestic and global clients in all areas of corporate and business law, complex litigation, intellectual property, regulatory, and government affairs. To learn more about Venable's capabilities, please see our complete list of [practice areas](#).

#### **Chambers**

- *Chambers USA* recognized 64 Venable attorneys in national and regional categories in their [2012 rankings](#). Fourteen of the ranked attorneys are members of the Corporate Practice Group.
- Two Venable Corporate Group partners were ranked in the [2012 edition of Chambers Global](#).

#### **Super Lawyers**

- The Maryland edition of *Super Lawyers 2013* recognized [43 Venable attorneys](#) including 9 attorneys from our Corporate Group.

### **Legal 500**

- *Legal 500* recognized fourteen attorneys from the Corporate Practice Group in 2012.
- Two Corporate Group attorneys, Charles Morton (M&A: Middle-Market (Sub-\$500m)) and William Russell (Technology: Transactions) were also singled out as Leading Lawyers.
- Venable was nationally recognized by *Legal 500* in the M&A: Middle-Market (Sub-\$500m), Real Estate Investment Trusts (REITs), Technology: Outsourcing, and Technology: Transactions categories.

### **U.S. News - Best Lawyers**

- Sixteen of Venable's Corporate Group attorneys were selected by their peers for inclusion in *The Best Lawyers in America® 2012-2013*.
- Venable was top rated nationally in Mergers & Acquisitions Law and Technology Law, and received national second tier rankings in Corporate Law, Private Equity Law, and Venture Capital Law.
- James J. Hanks, Jr., a Partner in Venable's Corporate Practice Group, was named the *Best Lawyers* Baltimore Corporate Governance and Compliance Lawyer of the Year for 2011 and 2013.
- Charles Morton, Co-Chair of Venable's Corporate Practice Group, was named the 2012 Baltimore Venture Capital Lawyer of the Year.

If you have friends or colleagues who would find this alert useful, please invite them to subscribe at [www.Venable.com/subscriptioncenter](http://www.Venable.com/subscriptioncenter).

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