Fast answers to everyday practice questions in a clear and direct Q&A format

- Step-by-step focus on the nuts and bolts of daily practice
- Handy desk references for skilled practitioners
- Comprehensive summaries for lawyers new to an area
American antitrust law, now over a century old, is a huge and complex area of practice. The *Antitrust Law Answer Book 2012-13* steps back from the many details to provide a basic, practical overview of American antitrust law for the non-expert who wants to understand the primary concepts and to know when to seek more expert help.

The *Antitrust Law Answer Book 2012-13* covers such issues as investigations and litigation, agreements between suppliers and customers, monopolization claims, pricing, and unilateral conduct not related to price. The authors, attorneys at Jones Day with decades of experience in the area, also provide suggestions for effective antitrust compliance programs that can help you avoid or minimize future problems.

The recently published *Antitrust Law Answer Book 2012-13*:

- Focuses on the most common business problems and those that illustrate the entire scope of the U.S. antitrust laws
- Includes illustrative examples and real-life case studies to provide additional background and practical guidance
- Is written in plain English to provide practical, useful answers, not just theoretical musings
- Contains a separate chapter on the complex antitrust issues arising in the intellectual property area
- Avoiding potential antitrust issues is an important aspect of any business deal. The *Antitrust Law Answer Book 2012-13* points out the potential problems and provides practical strategies to avoid them.

*Antitrust Law Answer Book 2012-13* will quickly become your “go to” source when it comes to the practical impact of domestic antitrust and international competition law.

1 softcover volume, 788 pages, $235, Order #38080
What’s Inside:

1. Overview of the U.S. Antitrust Laws
2. Antitrust Investigations and Litigation in the United States
3. Managing Document and Data Discovery Process
4. Agreements with Competitors
5. Agreements Between Suppliers and Customers
6. Mergers and Acquisitions
7. Acting Alone: Monopolization Claims
8. Acting Alone: Unilateral Pricing Issues
9. Acting Alone: Unilateral Conduct Not Related to Price
10. Intellectual Property
11. Antitrust Compliance Programs
The Consumer Financial Protection Act of 2010 (CFPA), Title X of the Dodd-Frank Act, made major changes in how consumer financial services are regulated. The Consumer Financial Services Answer Book 2012-13 describes in concise detail the regulatory structure and requirements after these major revisions. This new edition describes the changed, and the many unchanged, requirements under such federal statutes as the Truth in Lending Act, the Fair Credit Reporting Act, the Real Estate Settlement Procedures Act, and others • the regulatory authority, and the limits on that authority, of the federal Bureau of Consumer Financial Protection, as well as the changed authority of existing financial services regulators • the current federal requirements for mortgage loan servicing, foreclosure and eviction and the changes, effective in summer 2012, to the state preemption regulations, which require specific findings before preemption may be invoked.

The Consumer Financial Services Answer Book 2012-13 helps the practitioner, through an easy question and answer format, understand the revised regulations in such areas as the secondary loan market, including securitization and assignee liability • mortgage loan servicing • automotive financing • and privacy and identity theft.

In addition, the Consumer Financial Services Answer Book 2012-13 provides practical insight on litigation practices in this area, including special coverage on e-filing and document retention requirements, as well as expert, practical insights into consumer financial class actions and other issues of emerging concern.

1 softcover volume, 818 pages, $235, Order #37946
The Basics of the Truth in Lending Act

Q 3.1 What is the Truth in Lending Act?

The Truth in Lending Act (TILA) is a federal consumer-protection statute that regulates the disclosure of financing terms in nearly every consumer credit contract.

Q 3.2 What is the purpose of TILA?

Congress enacted TILA in 1968 for two primary reasons. First, Congress intended to "promote the informed use of consumer credit by requiring disclosures about its terms and costs." TILA is thereby intended "to encourage consumers to "shop around" for the most favorable credit terms." In order to promote this informed use of credit, TILA mandates that creditors disclose the material financing terms in consumer credit transactions, such as the annual percentage rate (APR), and the like.

Second, as set forth in TILA itself, TILA is designed to "protect the consumer against inaccurate and unfair credit billing and credit card practices." To promote this goal, courts typically scrutinize TILA strictly against creditors. As the Seventh Circuit explained in a widely cited case:

It is not sufficient to attempt to comply with the spirit of TILA in order to avoid liability. Rather, strict compliance with the required disclosures and terminology is required. Many violations of TILA involve technical violations without egregious conduct of any kind on the part of the creditor. However, Congress did not intend that creditors should escape liability merely because technical violations. Thus, while it may be true in some sense, as the creditors have argued, that the terminological violations here are inconsequential, the fact remains that they are violations. Any signplings [sic] which creditors may have about the technical nature of the requirements should be addressed to Congress or to the Federal Reserve Board, not to the courts.

In furtherance of TILA's consumer-protection purpose, many courts, therefore, require "technical" compliance with TILA. Accordingly, lenders must carefully comply with TILA's requirements. Other...

Q 3.3 Consumer Financial Services Answer Book 2012–13

What kinds of transactions are subject to TILA requirements?

TILA applies virtually to every loan made to a consumer, including home loans, automobile loans, so-called "payday loans," credit cards, certain student loans, and lines of credit. Not every credit transaction triggers TILA's requirements, however. In order for TILA to apply, the transaction must involve:

1. credit;
2. a creditor;
3. a consumer; and
4. the extension of "consumer credit."

PRACTICE TIP

Although TILA is a disclosure statute, creditors cannot assume that they will avoid liability if they simply disclose every conceivable item that could theoretically be disclosed. TILA does not necessarily mandate "more disclosure," but rather "meaningful disclosure." As the U.S. Supreme Court has explained, "the concept of meaningful disclosure that animates TILA ... cannot be applied in the abstract. Meaningful disclosure does not mean more disclosure. Rather, it describes a balance between competing considerations of complete disclosure and the need to avoid international overload." Thus, a creditor is not required to disclose every conceivable situation that might arise during the course of the lender-creditor relationship, but only those that have a meaningful impact on credit.

What’s Inside:

1. Consumer Loan Products and the Federal Regulation of Consumer Credit
2. The Bureau of Consumer Financial Protection
3. Truth in Lending Act
4. Real Estate Settlement Procedures Act
5. Fair Lending/Non-Discrimination
6. Fair Credit Reporting Act
7. Automobile Sales and Leasing: Requirements and Disclosures
8. Fair Credit Billing Act
9. A Guide to the 2006 Alta Loan Policy of Title Insurance
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15. Special Litigation Issues: Class Actions
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17. Electronic Fund Transfer Act and Regulation E
18. State and Federal Licensing and the Nationwide Mortgage Licensing System & Registry
Covering the full spectrum of heavily regulated industries and corporate activities in a convenient Q&A format, the Corporate Compliance Answer Book 2012-13 helps you develop, implement, and enforce compliance programs that detect and prevent wrongdoing. You’ll learn how to use risk assessment to pinpoint and reduce your company’s areas of legal exposure • apply gap analyses to detect and eliminate flaws in your compliance programs • conduct internal investigations that prevent legal problems from becoming major crises • develop records management programs that prepare you for the e-discovery involved in investigations and litigation • satisfy labor and employment mandates, environmental rules, lobbying and campaign finance laws, export control regulations, and FCPA anti-bribery standards • make voluntary disclosures of illegalities as a major step toward reducing penalties and sanctions • cooperate with federal agencies during investigations in ways that mitigate the legal and financial damage done by wrongdoing.

Corporate Compliance Answer Book 2012-13 features a number of recently revised chapters, covering the Culture of Compliance • Witness Preparation • Procuring Computer Resources • Intellectual Property Licensing, Outsourcing, and Cloud Computing • Institutions of Higher Education • and the Consumer Product Safety Act.

Featuring dozens of real-world case studies, compliance checklists, and best practice tips, Corporate Compliance Answer Book 2012-13 pays for itself over and over again by helping you avoid major legal and financial burdens.

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15. Government Contractors
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21. Medicare Part D
22. Managed Care Organizations
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24. HIPAA Security and Privacy
25. Ethical Conduct in Banking and Finance
26. Anti-Money Laundering
27. The Troubled Asset Relief Program
29. The Law and Accounting: The Convergence of Sarbanes-Oxley, COSO, the Federal Sentencing Guidelines, and Caremark Duties
30. SEC Investigations of Public Companies
31. Executive Compensation
32. Institutions of Higher Education
33. Environmental Law
34. Labor and Employment Law
35. Consumer Product Safety Act
Because the insider trading laws apply to everyone — not just corporate insiders — a proper understanding of both the basics of insider trading law as well as some of the complexities and nuances of this important area of the law is important to anyone who invests in the securities markets. *Insider Trading Law and Compliance Answer Book 2013* provides you with a step-by-step understanding of the legal requirements imposed upon all investors. It walks you through the elements of an insider trading claim • what is legitimate company research that can be freely acted upon and what is nonpublic information that may not • when acting on a “tip” can incur legal liability • and the framework of penalties when insider trading has been successfully proved.

*Insider Trading Law and Compliance Answer Book 2013* provides both the lawyer and the lay investor with a complete understanding of the criminal and civil issues that can arise, the possible penalties that could be incurred and the defenses available. It reflects the in-depth knowledge of legal practitioners who provide ongoing counseling and litigation representation to a wide array of clients.

In today’s turbulent financial markets, a claim of insider trading often hits the newspapers. *Insider Trading Law and Compliance Answer Book 2013*, which fully integrates recent regulatory changes, provides a concise road map, helping the reader to navigate the legal requirements safely.

1 softcover volume, 668 pages, $235, Order #38160
Q 19.3  **What are the typical terms of a Big Boy letter?**

A typical Big Boy letter contains representations that one party (usually the seller):

1. is a sophisticated investor and repeat market actor with sufficient experience and knowledge to adequately weigh the risk of the investment;
2. is aware that the counterparty (usually the seller) may have material nonpublic information that might affect the value of the securities being traded;
3. is willing to proceed with the transaction despite the possibility of an informational disadvantage;
4. is relying only on its own research and analysis, and is not relying on any representations not expressly set forth in the Big Boy letter or other final agreement; and
5. is waiving all claims arising out of the nondisclosure of any potentially material nonpublic information possessed by the counterparty.

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**Enforcement Under Federal Securities Laws**

Q 19.4  **Are the terms of a typical Big Boy letter enforceable under section 10(b) of the 1934 Act?**

No court has squarely faced the issue of whether the terms of a Big Boy letter violate the federal securities laws. However, as discussed below, two federal courts of appeals have held that certain “quotations” of material nonpublic information, similar to the provisions typically found in a Big Boy letter, do not give rise to section 10(b) liability.
Reflecting the many statutory and regulatory changes made since the beginning of the recent economic downturn, the newly published Financial Institutions Answer Book 2013 provides, in a handy Q&A format, a comprehensive overview of the complex federal requirements regulating financial institutions in the United States.

Every aspect of a financial institution life cycle is covered, from understanding the differences in regulation based on what type of charter is chosen, through ongoing capital and deposit activities requirements and major changes in corporate control, to the cessation of entity activity through merger, acquisition or entity failure. Financial Institutions Answer Book 2013 covers the entire spectrum of financial institution regulation, including those regulating the creation of branch offices • corporate governance • executive compensation • deposit insurance requirements • insider and affiliate transactions • anti-money laundering and U.S. trade sanctions • examination and audit • and privacy and data security.

Written by leading practitioners in this complex area, Financial Institutions Answer Book 2013 is an up-to-date guide to this fast-changing area of the law. It provides an excellent desk reference for the experienced practitioner, as well as a comprehensive introduction for the attorney new to the practice area.

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Restrictions on Severance Benefits for Executives by IDIs and Their Holding Companies

Q 4.3 What restrictions apply to severance benefits paid by IDIs to executives?

Generally, IDIs subject to regulatory supervision by the OTS are required to comply with the general presumption that the total compensation paid to any employee upon departure should not exceed three times the employee’s average annual compensation. For a discussion of the application of OTS guidance following the elimination of the OTS, please see the discussion in Question 4.5.

IDIs that are S&L recipients (as defined below) will also be prohibited from paying any golden parachute payments to their senior executive officers and/or their five highest compensated employees.

In addition, the Internal Revenue Code limits the deductibility by the company of certain severance payments in excess of three times the executive’s base amount paid in connection with certain transactions and imposes an excise tax on the amounts paid to the executive under those circumstances. Therefore, some IDIs limit severance benefits to amounts that will not result in non-deductible expenses to the company regardless of whether they are subject to OTS regulation.

Q 4.4 What restrictions apply to severance benefits paid by IDI holding companies to executives?

IDI holding companies are generally not subject to the OTS guidance discussed above in Question 4.3. However, IDI holding companies that would be considered S&L recipients will be subject to the general prohibition of golden parachute payments. In addition, the Internal Revenue Code deductibility limitation and excise tax imposition may be applicable to IDI holding companies under certain circumstances.

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1. Regulatory Structure and Charter Choice
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3. Corporate Governance
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6. Mergers & Acquisitions
7. Deposit Activities
8. Deposit Insurance
9. Insider and Affiliate Transactions
11. Privacy & Data Security
12. Examination & Audit
13. Capital
14. Enforcement
15. Problem Banks & Failures
Labor Management Law Answer Book 2012-13 is a concise overview of the controlling provisions of the NLRA and the other major federal labor legislation. Reflecting the in-depth knowledge and experience of the authors, it walks you through every requirement of federal law, including obligations under executive orders affecting labor relations of federal contractors • federal preemption of state regulation • reporting requirements of unions and employers • protected and unprotected activity • duty to bargain • unfair labor practice case procedures • and regulation of union dues and administration.

Labor Management Law Answer Book 2012-13 also provides a concise guide to all of the requirements of NLRA, LMRA, LMRDA and other federal statutes • detailed guidance on what is and is not permitted activity by both unions and employers in any negotiation • coverage of emerging issues of critical importance like collective bargaining in the public sector • the context and analysis necessary to effectively plan and execute a labor strategy against the backdrop of complex and constantly evolving federal law • and relevant planning opportunities and strategies to optimize proactive decision-making.

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11. Regulation of Internal Union Affairs: Rights and Obligations of Unions and Union Members
12. Labor Relations of Federal Contractors
*Intellectual Property Law Answer Book 2013* is an easy-to-use resource for practitioners facing a patent, trademark, or copyright issue for the first time or looking for a refresher on IP law. It answers basic questions (What is a utility patent? Who owns a trademark?) and questions that help readers grasp key terminology (What is trademark dilution? What does it mean to “reproduce” a copyrighted work?). It addresses both transactional issues (How are copyrights transferred? Who may grant a license to a patent?) and litigation issues (Who has standing to enforce a patent? What equitable defenses are available to a defendant charged with trademark infringement?). And it supplies abundant practical guidance (What should a cease-and-desist letter say? What form should the notice of copyright take?).

Throughout *Intellectual Property Law Answer Book 2013*, the focus remains on providing practical guidelines and using recent cases to explain key concepts. The convenient, easy-to-follow Q&A format allows readers to develop an understanding of patent, trademark and copyright law and concepts in a methodical way, and also allows readers to locate specific information quickly, so that the book can serve as an ongoing reference tool. Authored by commercial litigators specializing in complex intellectual property practice, the book aims to provide a summary that is easy to understand and retain.

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26. Special Applications of Copyright Law
27. Copyright Ownership, Transfer, and Duration
28. Copyright Notice and Registration
29. Copyright Infringement Actions
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31. Digital Audio Recording Devices and Media
32. Practical Aspects of Copyright Litigation
The regulation of medical devices has grown increasingly complex since the Medical Device Amendments to the federal Food, Drug and Cosmetic Act (FDCA) were introduced in 1976. Medical Devices Law and Regulation Answer Book 2013 walks you through the current regulatory requirements and describes every aspect from premarket requirements for specific types of devices, to postmarket regulation and ongoing government enforcement and investigation.

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18. FDA Criminal Enforcement
19. Overlapping Jurisdiction with Other Agencies and Law Enforcement Entities
The expert witness, once anomalous, is now integral to virtually every lawsuit. Understanding the rules that regulate when an expert witness may be allowed to testify is vital to successful litigation practice. The newly published Expert Witness Answer Book 2012 walks you through every aspect of this key area, providing, in a direct Q&A format, clear instruction on the legal framework as provided by the Daubert trilogy and subsequent rulings, the qualifications that must be introduced to establish someone as an expert on a particular topic, as well as disqualify him or her, and the pretrial activities of experts, including designation, disclosure, discovery and depositions.

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31. Appendix B: 2000 Amendment to FRE 702 Plus Committee Note
32. Appendix C: 2000 Amendment to FRE 703 Plus Committee Note
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6. Chapter 13 Bankruptcy
The 1974 enactment of the Employee Retirement Income Security Act (“ERISA”) brought to the federal courts an array of claims that had previously been decided under a patchwork of state and local laws. The many subsequent changes in employee retirement options and the resulting federal regulations have created a complex legal web for attorneys to navigate. The newly published ERISA Benefits Litigation Answer Book 2013 provides a comprehensive overview of this important area.

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ERISA Benefits Litigation Answer Book 2013 fully describes the legal requirements of, defenses to, and unique aspects of each of the following types of litigation that are brought under the Act: stock drop • ESOP • cash balance plan • prohibited transaction • fee • recovery of benefits due under a plan • multi-employer plan • managed care plan • and discrimination and interference with benefits rights. In addition, this comprehensive volume provides separate chapters discussing litigation of claims arising under federal common law • affirmative defenses to ERISA claims • and limitations on actions under ERISA.

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