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Most Recent Summaries

US v. McPhail

July 27, 2016

White Collar Crime, Securities Law, Criminal Law & Procedure

(United States First Circuit) - Conviction of securities fraud and conspiring to commit securities fraud under 15 U.S.C. sections 78j(b), 78ff(a), and 18 U.S.C. section 371 is affirmed where, even though defendant was neither a corporate insider nor a trader of securities, he is liable on the 'misappropriation; theory of liability for insider trading where: 1) evidence was sufficient to show that he knowingly breached a duty of confidence; 2) the District Court's instructions did not shift the burden of proof or misstate the state of mind element of the securities fraud offense; and 3) defendant received a benefit as a result of his disclosure.

Grajales v. Puerto Rico Ports Authority

July 26, 2016

Labor & Employment Law

(United States First Circuit) - In an employment suit brought by a former airport employee against one of the Commonwealth's special-purpose public corporations, the Puerto Rico Ports Authority (PRPA), alleging hostile working environment, retaliation, unlawful termination and the District Court's order of dismissal is reversed where, in response to intervening Supreme Court precedent on arm-of-the-state analysis, PRPA is not entitled to assert the Commonwealth's immunity as an arm of the Commonwealth.