

## Government Policy & Practice

### Related Industries

Food & Beverage

Mobility and Advanced  
Transportation Team

## Overview

Whether a client seeks to influence legislation, is involved in a political campaign or needs guidance on regulatory compliance, Dykema's Government Policy and Practice team helps clients formulate and execute efficient government policy strategies that achieve real-world results. Through our many years on Capitol Hill and working with federal and state agencies, we have a solid understanding of the inner workings of government—both federal and state—and close relationships with many high-ranking officials, lawmakers and staff. We maintain those relationships with integrity and credibility—which translates into substantial value to our clients.

Increasingly, business leaders are coming to understand that to sustain long-term success in the marketplace requires not only compliance with existing laws, but active participation in the formulation of the laws of the future. It is no longer enough to jump through today's regulatory hoops while hoping they get no higher or tighter. Sound business practice demands businesses, industries and trade associations make their voices heard by lawmakers to influence the rules of the marketplace of tomorrow.

This is where Dykema's Government Policy and Practice team comes in. We help clients amplify their political voices and achieve their important objectives. To this end, we work closely with our clients to understand their government policy goals and how those goals fit into their broader business objectives. This enables us to devise and implement the best strategies to promote the client's interests through executive, legislative, regulatory and political channels. A particular client's strategy may include educating policymakers, securing passage of legislation or appropriation of funds, crafting programs to ensure the client is in compliance with existing rules and regulations, or urging the creation of new rules or regulations or the reinterpretation of old ones.

Our bipartisan group of lawyers and non-lawyer registered lobbyists have decades of experience bringing our clients' interests to bear upon executive, legislative and regulatory decision making. We frequently represent automotive suppliers, technology suppliers, Fortune 500 corporations, local governments, nonprofit organizations, educational institutions and trade associations on their critical government policy and related matters.

## Experience Matters

We have:

- Lobbied for the creation of a federal grant program that, since 2008, has awarded nearly \$41 million in competitive grants to our national nonprofit client.
- Secured language in legislation that required a third-party evaluation of a client's state-of-the-art technology. Based on this study and additional government analysis, the National Highway Traffic Safety Administration proceeded to the rulemaking process to mandate use of the client's technology.

- Organized a visit by the Secretary of Transportation to an automotive supplier's corporate headquarters and technology center. This high-profile visit included a roundtable discussion with company officers, participation in a "ride-and-drive" demonstration and a town hall meeting with employees.
- Secured language in the Dodd-Frank Wall Street Reform and Consumer Protection Act to require the Federal Reserve and the Financial Stability Oversight Council (FSOC) to collaborate and coordinate with the foreign regulator of a foreign nonbank financial institution whose U.S. subsidiary may be directed by the Federal Reserve or FSOC to increase its capital or respond to other regulatory compliance for financial safety and soundness purposes.

## Publications

"USMCA Succeeds NAFTA Rule Governing Trade in North America"

August 25, 2020

*Risk Management*

"Continuing Jurisdiction: A Federal Court's Power to Enforce a Nationwide Class Action Settlement"

Spring 2020

*American Bar Association Class Action & Derivative Suits Newsletter*

"High Court Could Settle Preemption Questions For Banks"

September 6, 2018

*Law360*

"Five Legal Issues To Consider When Contracting For Utility-Scale Energy Storage"

September 4, 2018

*Solar Industry News*, Zackin Publications Inc.

"Nonbank Money Transmitters," Chapter 3, Co-Author

January 2018

*Electronic Payment Systems: Law and Emerging Technologies*

"American Factories versus 'Made in America'"

April 11, 2017

*IndustryWeek*

"Liability Issues for Manufacturers of Personal Electric Vehicles"

March 15, 2017

*Bloomberg BNA Product Safety & Liability Reporter*

"FDA Guidance Clarifies Treatment of Consumer Health and Fitness Products"

October 3, 2016

*Bloomberg BNA Product Safety & Liability Reporter*

"The myth of the collision-free automobile"

July 7, 2016

*Automotive World*

"Why 'Compliance by Design' Must Be on Fintech's Roadmap"

May 16, 2016

*Bloomberg BNA Insights*

"CFPB Rule Is Keen On Restricting Arbitration Clauses"

May 11, 2016

*Law360*

"Policy Voices: The Data Security Threat in the Mirror"

May 5, 2016

*Chicagoland Chamber of Commerce*

"Policy Voices: The Data Security Threat in the Mirror"

May 5, 2016

*Chicagoland Chamber of Commerce*

Government Policy & Practice (Cont.)

"Fun New Ways for Density and Proration Rules to Bust Your Lease: Retained Acreage Clauses and 'Governmental Authority' Language in the Wake of Three Recent Texas Cases"

Spring 2016

*Section Report of the Oil, Gas & Energy Resources Law Section, State Bar of Texas*

"Significant election reforms largely flying under the radar,"

January 2016

*Ingham County Bar Association Briefs*

"Revisiting Interpretive Rule Review Post-*Perez v. Mortgage Bankers Association*," 41 U. Dayton L. Rev. 1 (2016)

"Nonprofit Entities," Chapter 5, Co-Author

2015

*Michigan Business Formbook, Third Edition*, Institute of Continuing Legal Education

"A Primer on Oil and Gas Regulation in Texas: Spacing, Density, Permits, and Exceptions"

November/December 2013

*Landman Magazine*

"Chemicals Management in Consumer Product Safety Planning"

September 2, 2015

*Law360*

"NHTSA Civil Penalty Shows Need For Reporting Vigilance"

August 6, 2015

*Law360*

"A Brief Primer on Recent FOIA Amendments: Increased Transparency and Increased Burden? Michigan's New FOIA Amendments"

March 13, 2015

"Judicial Review of Agency Delays Caused by a Lack of Appropriations: The Yucca Two-Step," 2015 Mich. St. Law Rev. 371 (2015)

"PLI Financial Institutions Regulation Answer Book", co-author and co-editor

October 2014

"Response to the Report and Recommendations of the Presidential Commission on Election Administration,"

April 2014

*Republican National Lawyers Association*

"Constitutional Amendment by Petition and Popular Vote," Co-Author

January 2014

*Michigan Bar Journal*

"Total Recall: Balancing the Right to Recall Elected Officials with the Orderly Operation of Government"

January 2014

*Michigan Bar Journal*

"Shedding Light on FTC's 'Made in USA' Ad Policy"

November 1, 2013

*Law360*

"NHTSA's Drive for Automated Vehicle Safety"

June 6, 2013

*Law360*

"Companies May See More Compliance Rules After Kolcraft"

April 9, 2013

*Law360*

"Making a U.S. - Origin Claim: Understanding Critical Distinctions"

January 25, 2013

Government Policy & Practice (Cont.)

*World Services Group*

"Mobile Payments: An Evolving Landscape," co-author  
Winter 2012

*FDIC Supervisory Insights*

"How Nonprofits Can Engage in Political Activity During This Election Cycle"  
Summer 2012

*The Business Law Journal*

"A Path Forward for Online Piracy Legislation?"

February 6, 2012

*IPFRONTLINE.com*

"Assessing Vehicle Reporting and Recall Requirements"

Spring 2011

*In-House Defense Quarterly*, DRI

"Bank Anti-Secrecy: U.S. Anti-Money-Laundering Laws and Policies from a Privacy Perspective"  
2011

*Data Guidance*

"Re-Evaluating Your Political Goals"

April 2010

*Michigan Society for Association Executives' Impact Magazine*

"Attorney General addresses using campaign funds for legal defense"

January 2010

*BRIEFS*, Ingham County Bar Association

"U.S. Supreme Court may be poised to allow corporate political expenditures"

October 4, 2009

*BRIEFS*, Ingham County Bar Association

"Election Litigation: A recap of lawsuits that shaped the 2008 election"

April 2009

*BRIEFS*, Ingham County Bar Association

"Election Poll Challengers Facing a Preemptive Strike"

October 2008

*BRIEFS*, Ingham County Bar Association

"Vote Fraud Threatens Democracy"

September 2008

*BRIEFS*, Ingham County Bar Association

"The New Organic 'Texas Tea'?: National Energy Security Implications of a Regulatory 'Clean Fuel' Ban on Texas Biodiesel"

Winter 2008

*Texas Tech Law Review*, Volume 40, No. 4

"License and registration, please: New photo ID law runs smoothly"

December 2007

*BRIEFS*, Ingham County Bar Association

"Primary Primer: MI Supreme Court upholds Michigan Primary Law"

December 2007

*BRIEFS*, Ingham County Bar Association

"Drawing Lines: Effect of Recent, Upcoming Elections on Redistricting"

May 2007

*BRIEFS*, Ingham County Bar Association

Government Policy & Practice (Cont.)

"Civic Resurgence: Record Turnout Takes Country and State in New Directions"

January 2007

*BRIEFS*, Ingham County Bar Association

"2006 Ballot Proposals: A matter of life, death...for the doves"

September 2006

*BRIEFS*, Ingham County Bar Association

"The Political Game—How To Play It Right"

Summer 2006

*Corp! Magazine*

"Politics as Usual: Don't Litigate—Legislate"

March 2005

*BRIEFS*, Ingham County Bar Association

## Speaking Engagements

Government Enforcement in the Biden Administration: Will Everything Old Be New Again?

December 10, 2020

Webinar: USMCA-CUSMA-TMEC a practical approach from a multijurisdictional perspective

September 23, 2020

USMCA: From Origins to Uniform Regulations—An Overview of the Trade Agreement

June 18, 2020

Briefing on Trade Policy & Environmental Provisions

March 26, 2019

Jim Brandell to Moderate Panel with Texas Representative Lloyd Doggett

January 31, 2018

Making Sense of Illinois Government: What Happens in Springfield Affects Your Business

October 3, 2017

Republican National Lawyers Association's National Election Law Seminar

August 4, 2017

*Enforcement and Liability Issues in Vendor Management* (webinar), Panelist, American Banker Vendor Management Boot Camp

November 29, 2016

*Regulatory Developments - Connected Vehicles*, 7th Summit on the Future of The Connected Vehicle, Ann Arbor, Michigan

October 6, 2016

*Hot Topics in FinTech and Privacy and Data Security*, Moderator, IAPP KnowledgeNet, Chicago, Illinois

September 28, 2016

*Addressing Privacy, Data Security, and Fraud in the Prepaid Card Industry*, Chair and Panelist, Washington, DC

September 26-27, 2016

*Adventures in Vendor Management*, Panelist, Texas Association of Bank Counsel Annual Meeting, Austin, TX

September 22, 2016

*Adapting to Changing Regulatory, Legislative, and Enforcement Activities*, Co-Presenter and Co-Chair, ACI Forum on Cyber Security & Data Privacy and Protection, Chicago, Illinois

June 23-24, 2016

Federal and State Government Regulator Panel, Moderator, ACI Cybersecurity and Data Privacy Conference, Chicago, Illinois

June 23, 2016

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*The CFPB's Arbitration Rulemaking* (webinar), California Bar Business Law Section, Financial Institutions Committee  
June 14, 2016

*A Review of Other Recent CFPB Enforcement Actions and Activities*, ACI 15th National Forum on Prepaid Card Compliance, San Francisco, California  
June 2-3, 2016

*Upstream Energy Forum*  
May 24, 2016

American Banker Vendor Management Boot Camp (webinar), Presenter  
May 24-26, 2016

*Guarding Financial Service Companies and the Law Firms Representing Them Against Risk and Exposure vis-à-vis Cybersecurity and Data Privacy*, Panelist, Women Leaders in Financial Services Law and Compliance, New York, New York  
May 12, 2016

*The Transformation of Transportation*, Michigan State Law Review Symposium, East Lansing, Michigan  
April 7-8, 2016

*Cybersecurity Regulation for Financial Services, and CFPB Updates* Panelist, American Banker Retail Banking Conference, Las Vegas, Nevada  
April 7, 2016

Chair, Security and Regulatory Track, American Banker Retail Banking Conference, Las Vegas, Nevada  
April 6-8, 2016

*Best Practices for Vendor Management*, Panelist, American Conference Institute's Advanced Global Legal & Compliance Forum on Cyber Security and Data Privacy & Protection, Washington, D.C.  
January 29, 2016

*Affordable Care Act Employer Reporting: Tools for Navigating IRS Forms 1094 & 1095*, Catto & Catto LLP Seminar  
September 16, 2015

*Distressed Municipalities: The Battle Outside of Bankruptcy*, Turnaround Management Association Spring Conference, Detroit, Michigan  
April 2015

*Views and Practical Guidance from Speakers from the Federal Government*, Panelist, ACI Emerging Payment Systems Conference  
March 2015

*FCC Liability Lurks for the Unwary in Mergers and Acquisitions*, Minnesota State Bar Association, Communications Law Section  
February 11, 2015

*'Cause you Know We're All About the Lists: The Checklists!*, Seventh Annual NMLS User Conference & Training, San Diego, California  
February 2015

*"Rules of Engagement" for Michigan Lobby Law and Regulations and Compliance*, Michigan Society of Association Executives (MSAE) Government Affairs Academy  
December 18, 2014

*The Evolving Federal Regulatory and Enforcement Waters*, Panelist, ACI Prepaid Card Compliance Conference, Chicago, Illinois  
October 2014

*Consultant Contracts - The Good, the Bad and the Ugly*, MICPA Nonprofit Conference, Lansing, Michigan  
October 2, 2014

*The Federal Waters: Perspectives on New and Emerging Payment Systems and the Evolving Federal Regulatory and Enforcement Paradigm*, Panelist, ACI Emerging Payment Systems Conference, Washington, DC  
September 2014

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School Board Member Training, Northern Michigan University Board Training Seminar  
September 18, 2014

“Payment Regulation Trends Around the World,” moderator Erin Fonté, ATM & Mobile Innovation Summit, Washington D.C.  
September 11, 2014

*Presidential Commission on Election Administration*, Co-Presenter, Republican National Lawyers Association Election Law Seminar, Las Vegas, Nevada  
August 10, 2014

*The "Connected" Vehicle - Regulatory and Liability Issues*, Specialty Equipment Market Association  
November 7, 2013

*Roles and Responsibilities of School Board Members*, Bay Mills Community College Board Appreciation Night, Belding, Michigan  
July 8, 2013

*Managing Company Risk: CPSC Administrative Litigation*, American Conference Institute  
June 26, 2013

*Electoral Politics and Governance*, Moderator, James Madison College 2013 Senior Research Conference, East Lansing, Michigan  
April 19, 2013

Chicano/Hispanic Law Students' Association - 30th Annual Banquet  
April 5, 2013

Ingham County Bench-Bar Conference, Chair and Moderator, Lansing, Michigan  
October 6, 2012

*U.S. Compliance and Product Liability Issues for Bicycle Manufacturers and Importers*, Light Electric Vehicle Association  
September 21, 2012

*The "Connected Vehicle" — Update on Regulatory and Liability Issues*, Third International Summit on the State of the Connected Vehicle  
January 2012

*Privacy Concerns and Data Ownership in Intelligent Vehicles*, SAE 2011 Intelligent Vehicle Systems Symposium  
November 8, 2011

Chicano/Hispanic Law Student's Association (UT) – 40th Anniversary Banquet  
March 26, 2011

*Rules of the Road for a Not for Profit's Participation in the Legislative and Political Processes*, CEDLP Conference, Chicago, IL (Presenter)  
October 2010

*Regulatory Models and Deployment of Connected Vehicle Technology*, Second International Summit on the State of the Connected Vehicle  
September 30, 2010

*Michigan Election and Campaign Finance Law*, Republican National Lawyers Association Election Law Seminar  
August 2010

*Developments in Michigan Election Law*, 2010 RNLA Election Law Seminar, Grand Rapids, MI  
August 13, 2010

*Consulting Contracts for Nonprofits*, Community Legal Resources  
Annually

*Citizens United: Does the Decision Provide More Political Options for Associations?*, MSAE Law Symposium  
February 2010

*Campaign Finance Law After Citizens United*, Michigan Chamber of Commerce, Lansing, MI  
January 29, 2010

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*Citizens United v. FEC, How Does The Supreme Court's Decision Impact Your Political Options?*, Michigan Chamber of Commerce  
January 2010

*Would A Strict Discipline Academy Benefit Your School District?*, Michigan Association of School Boards' Annual Conference, Lansing, MI  
October 24, 2009

*Trade Association Legal Briefing Regarding Corporate Governance and Political Compliance*, Lansing, MI  
October 9, 2009

*Strict Discipline Academies*, Michigan Association of School Administrators' Annual Conference, Traverse City, MI  
September 24, 2009

*Challenges to State Administration of Elections*, Republican National Lawyers Association Election Law School, Los Angeles, CA  
August 14, 2009

*501(c)(3) Bootcamp: Organizational and Compliance Workshop for Tax Exempt Entities*, Michigan Association of Drug Court Professionals Annual Conference, Lansing, MI  
February 11, 2009

*An Overview of Political Compliance*, MSAE Law Symposium  
November 2008

*The Role of Election Day Lawyers*, Michigan Republican Party Legal Team Training Video  
July 1, 2008

*Importance of Roving Legal Teams and Legal Issues Facing Poll Watchers on Election Day*, Republican National Lawyers Association Election Law School, New Orleans, LA  
June 23, 2007

*Corporations and Politics: How To Stay Out of Trouble*, Association of Corporate Counsel Seminar, Lansing and SE Michigan  
September 2006

*Campaign Finance Law for Trade Associations*, Michigan Society of Association Executives Law Seminar, Lansing, MI  
October 14, 2004