



Israel Practice

COVID-19 INSIGHTS UPDATE

Holland & Knight COVID-19 Insights

June 26, 2020

We trust you and your families are all well, safe and in good health. Holland & Knight in partnership with the Israel-America Chamber of Commerce keeps you updated on pertinent American-Israeli topics relating to legal considerations and federal funding opportunities in connection with the coronavirus (COVID-19).

We invite you to read the Alerts below and reach out to us to discuss your thoughts or any questions you may have on this issue.

More information is available on our [COVID-19 Response Team page](#).

Relevant Insights:

- [Immigration Under COVID-19: Order Halts Additional Foreign Entry to Protect U.S. Labor Market](#)

There have been many changes to immigration processes and procedures in the United States as a result of the coronavirus (COVID-19) pandemic. Additional measures have just been issued, and more are likely to come. Holland & Knight's fifth installment of employer alerts focusing on immigration under COVID-19 summarizes the executive order signed by



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President Donald Trump on June 22, 2020, that suspends additional immigration activities. While the current executive order heavily targets foreign nationals seeking business visas and negatively impacts U.S. businesses needing such workers, some foreign nationals remain exempt from the latest order.

- [SBA Publishes 2 New Interim Final Rules to Implement PPP Flexibility Act](#)

Two new Interim Final Rules from the U.S. Small Business Administration (SBA) provide technical amendments to implement the Paycheck Protection Program Flexibility Act of 2020 as well as some substantive clarifications. SBA also published a revised Loan Forgiveness Application with a new EZ version of the application (Form 3508EZ).

- [New Employer Obligations in the Age of COVID-19: Safety Policies, PPE, and Deep Cleaning](#)

Employment Attorneys David Santeusano, Howard Sokol and Matthew Sloane co-authored an article in *the Employee Relations Law Journal* addressing practical considerations and obligations for employers when establishing safety plans to reopen the workplace. COVID-19 has altered the reality of workplace safety and corresponding industry standards.

- [Is This Chat Discoverable? How In-House Counsel Can Protect Privilege](#)

As employees begin to return to work and COVID-19 accommodations become the “new normal,” companies may see an uptick in internal complaints of virus-related discrimination, harassment, and workplace safety concerns. Labor and Employment Attorneys William Delany and Dana Feinstein co-authored an article in Bloomberg Law offering best practices for in-house counsel to avoid risking an unintentional disclosure of sensitive information and to protect the organization and in-house counsel from risks of accidental discovery.

- [Supreme Court Affirms But Limits SEC's Authority to Seek Disgorgement in Judicial Proceedings](#)

The U.S. Supreme Court on June 22, 2020, issued its decision in *Liu v. SEC*, a case in which the petitioners challenged the U.S. Securities and Exchange Commission's (SEC) authority to pursue the remedy of disgorgement in judicial proceedings. While the Supreme Court ultimately affirmed the SEC's authority to seek the remedy of disgorgement in judicial proceedings, the court articulated three limitations on the SEC's authority that could have significant implications for future cases. The Supreme Court instructed lower courts that they should be mindful of the ways in which they have ordered disgorgement such that their awards have transformed into penalties beyond their equitable powers, including by 1)



Meital Stavinsky

Miami
+1.305.789.7710
Washington, D.C.
+1.202.828.5004
meital.stavinsky@hkllaw.com



Ronald J. Klein

Fort Lauderdale
+1.954.468.7874
Washington, D.C.
+1.202.469.5152
ron.klein@hkllaw.com

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www.hkllaw.com

ordering the proceeds of fraud to be deposited in Treasury funds instead of disbursing them to victims, 2) imposing joint-and several disgorgement liability, and 3) declining to deduct even legitimate expenses from the receipts of fraud.

Holland & Knight Webinars:

- [HR Toolkit: Focusing on HR Fundamentals to Minimize Employment Law Liability in Uncertain Times](#)

Date/Time: July 8th at 12pm ET

Holland & Knight's HR Toolkit Series highlights fundamental HR best practices that are critical to help minimize employment law liability. During these unprecedented and challenging times, a renewed focus on the basics is critical for the success of every employer's HR function.

- [Cryptocurrency and Blockchain: Digital Currencies and Smart Contracts](#) (previously recorded)

Blockchain Technology Partner Josias Dewey participated in this webinar, presenting on consumer protection issues related to digital currencies and blockchain technology.

About Our Israel Practice:

Holland & Knight is a U.S.-based global law firm with a strong commitment to the state of Israel. With an intimate understanding of the Israeli economic, political and social environment, members of Holland & Knight's [Israel Practice Team](#) provide a wide array of legal services to both Israeli clients operating abroad and companies and investors doing business in Israel. With more than 1,400 professionals in 28 offices, we are highly experienced in all the interdisciplinary areas necessary to guide entrepreneurs, investors, and startup or established companies through the opportunities and challenges that arise throughout the business or investment life cycles. Areas of legal guidance that are typically provided to our Israel Practice clients include real estate, mergers and acquisitions, private equity, international tax, cross border and customs, Internet privacy and cybersecurity, intellectual property, government lobbying, regulations and compliance, U.S. Foreign Corrupt Practices Act (FCPA), U.S. Foreign Account Tax Compliance Act (FATCA), and litigation and dispute resolution.

DISCLAIMER: Please note that the situation surrounding COVID-19 is evolving and that the subject matter discussed in these publications may change on a daily basis. Please contact your responsible Holland & Knight lawyer or the authors of these alerts for timely advice.

The information provided herein presents general information and should not be relied on as legal advice when analyzing and resolving a specific legal issue. If you have specific questions regarding a particular fact situation, please consult with competent legal counsel about the facts and laws that apply.

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Holland & Knight LLP | Operations Center | 524 Grand Regency Blvd. | Brandon, FL 33510-3931 | www.hklaw.com