

Amicus Briefs Filed in support of Seila Law's Certiorari Petition

Ballard Spahr
LLP

Article By

[Alan S. Kaplinsky](#)

[Ballard Spahr LLP](#)

[Consumer Finance Monitor](#)

- [Constitutional Law](#)
- [Financial Institutions & Banking](#)
- [Litigation / Trial Practice](#)

- [All Federal](#)

Wednesday, August 7, 2019

Seven amicus briefs have been filed in support of [Seila Law's petition for a writ of certiorari](#) that seeks review of the Ninth Circuit's ruling that the CFPB's single-director-removable-only-for-cause structure is constitutional.

The briefs were filed by:

- [U.S. Chamber of Commerce](#)
- [Attorney Generals of Texas, Arkansas, Georgia, Indiana, Kansas, Louisiana, Nebraska, Oklahoma, South Carolina, Tennessee, Utah, and West Virginia](#)
- [Separation of Powers Scholars](#)
- [Pacific Legal Foundation](#)
- [Landmark Legal Foundation](#)
- [Cato Institute](#)
- [Southeastern Legal Foundation and National Federation of Independent Small Business Legal Center](#)

All of the briefs argue that the CFPB's (Consumer Financial Protection Bureau) structure is unconstitutional under relevant Supreme Court precedent but do not

take a position on what the appropriate remedy should be (*i.e.* striking all of Title X of Dodd-Frank or only severing the for-cause removal provision). To explain why the Supreme Court should grant the petition for certiorari, several of the briefs point to the need to eliminate uncertainty regarding the constitutionality of the Bureau's actions, particularly its regulations (with one brief noting that parties have a particular incentive to challenge the Bureau's constitutionality in litigation with the Bureau in light of the DOJ's position that the Bureau's structure is unconstitutional). They also argue that because the legal issues have already been fully developed, the Supreme Court is unlikely to gain additional insight by allowing the issues to continue to percolate in the lower courts. It should also be noted that all of the state attorneys general participating in the amicus brief above are Republicans.

Copyright © by Ballard Spahr LLP

Source URL: <https://www.natlawreview.com/article/amicus-briefs-filed-support-seila-law-s-certiorari-petition>