

22-859 SECURITIES AND EXCHANGE COMMISSION V. JARKESY

DECISION BELOW: 34 F.4th 446

LOWER COURT CASE NUMBER: 20-61007

QUESTION PRESENTED:

1. Whether statutory provisions that empower the Securities and Exchange Commission (SEC) to initiate and adjudicate administrative enforcement proceedings seeking civil penalties violate the Seventh Amendment.
2. Whether statutory provisions that authorize the SEC to choose to enforce the securities laws through an agency adjudication instead of filing a district court action violate the nondelegation doctrine.
3. Whether Congress violated Article II by granting for-cause removal protection to administrative law judges in agencies whose heads enjoy for-cause removal protection.

CERT. GRANTED 6/30/2023