

Constitutional Attacks Mount Against Federal Agency Proceedings in Wake of High Court Decision

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The U.S. Supreme Court has signaled its willingness to constrain the bounds of administrative enforcement power with its recent decision in *Axon Enterprise v. Federal Trade Commission (FTC) and Securities and Exchange Commission (SEC) v. Cochran*, which paves the way for parties subject to agency enforcement proceedings to bring early constitutional challenges to such proceedings in district court before the proceedings conclude.

With the first post-*Axon* challenge already underway in the U.S. District Court for the Northern District of Georgia and a pending petition for writ of certiorari from a U.S. Court of Appeals for the Fifth Circuit decision declaring the SEC's administrative proceedings unconstitutional, we may soon see whether and how these judicial constraints on administrative proceedings will continue to develop in the aftermath of *Axon*.

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