

Press Coverage | December 7, 2023

SEC's Use of In-House Judges Expected to Be Shot Down by Supreme Court

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Jay Dubow, co-leader of Troutman Pepper's Securities Investigations + Enforcement Practice Group, was quoted in the December 7, 2023 *Pensions & Investments* article, "[SEC's Use of In-House Judges Expected to Be Shot Down by Supreme Court](#)."

So while the SEC has mostly stopped using the administrative process for contested enforcement proceedings, if the Supreme Court rules against the agency, it eliminates the avenue forever, noted Jay A. Dubow, a partner at Troutman Pepper Hamilton Sanders, who co-leads the firm's securities investigations and enforcement practice group.

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Dubow called the Atlas Roofing argument interesting, but said the Supreme Court has taken different positions than prior precedent. "They've found appropriate reason to do so, according to them, so they could just say ... they're doing something new, or say this is different, or come up with a more narrow ruling," Dubow said.

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