

Gretchen Sperry Previews Oral Argument in SCOTUS Review of CFPB's Constitutionality

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Hinshaw partner Gretchen Harris Sperry, the chair of the firm's appellate practice, previewed oral argument in a *Bloomberg* article titled "Paul Clement Provides Off-Ramp in CFPB High Court Arguments." Sperry discussed with reporter Evan Weinberger pending oral arguments in the *Seila Law LLC v. Consumer Financial Protection Bureau* case.

At issue is whether the Dodd-Frank Act provisions that permit the President to fire the CFPB director only for cause violate separation of powers under the U.S. Constitution.

Sperry highlighted arguments in the briefing papers of Paul Clement, the former solicitor general who was tapped by SCOTUS to defend the CFPB's constitutionality after President Trump's Department of Justice declined to do so. In his brief, Clement argues the civil investigative demand at issue makes this an inappropriate case to potentially overturn decades of Supreme Court precedent regarding leadership at independent federal agencies.

According to Sperry, this is an argument that could resonate with Chief Justice John Roberts, who shares a "similar view" with Clement in their approach to cases.

[Read the full article](#) (subscription required)

"Paul Clement Provides Off-Ramp in CFPB High Court Arguments" was published by *Bloomberg*, March 2, 2020.

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