
Supreme Court Holds That the SEC's Administrative Law Judges Are Officers Subject to the Constitution's Appointments Clause

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On June 21, 2018, the Supreme Court of the United States held in *Lucia v. SEC* that the Securities and Exchange Commission's administrative law judges are "Officers of the United States" subject to the Appointments Clause of Article II of the Constitution. The Appointments Clause states that only the President, "Courts of Law," or "Heads of Departments" can appoint "Officers." Because the Commission's administrative law judges were appointed by Commission staff members, not by any of the actors mentioned in Article II, the Court held that the Commission's administrative law proceedings run afoul of the Constitution.

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