

Administrative-Law Rulings Heighten Significance of Next Supreme Court Appointment

Regulatory agencies have grown into what some call a “fourth branch” of the federal government, writes Richard O. Faulk of **Alexander Dubose Jefferson & Townsend LLP**.

“The threat posed by this *de facto* branch, also known as the ‘Administrative State’ or, more colorfully, our ‘Junior Varsity Congress,’ has attracted the growing attention of a number of Supreme Court justices,” he writes in the Washington Legal Foundations’s **Legal Pulse**.

Critics of judicial deference in administrative law had hoped that the court might grant certiorari in cases that would allow them plot a new course, but the death of Justice Antonin Scalia caused those hopes to dim, Faulk writes.

“Since none of the Court’s decisions after Justice Scalia’s death demonstrate that a majority exists to abrogate deferential judicial review, the continuing expansion of federal regulatory power—or its curtailment—may decisively hinge on the outcome of the 2016 Presidential elections,” the article says.

Read the article.