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Unboxing the Law

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Unboxing the Law



Cardozo's series, *Unboxing the Law*, which breaks down recent decisions of the U.S. Supreme Court, continues this summer with Professors Michael Herz, Kathryn Miller, Kyron Huigens and Felix Wu.

Professor Michael Herz on *Seila Law LLC v. Consumer Financial Protection Bureau*

The Supreme Court decided *Seila Law LLC v. Consumer Financial Protection Bureau*, a major separation-of-powers case regarding the structure of the CFPB. The Bureau is unusual, though not unique, in being headed by a single person who can be fired only for cause. By a 5-4 vote, the Court held that this arrangement unconstitutionally restricted the President's executive authority. However, the justices "severed" the offending provision, declining to eliminate the agency altogether.

In this segment, Cardozo professor Michael Herz, a former clerk for Associate Justice Byron R. White, broke down the case, explained the legal theory behind it, and discussed what the decision means for the future.

Professor Kathryn Miller on *Bourgeois v. Barr*

The biggest death penalty news from the Supreme Court this term involves the case the Court didn't decide. On June 29, the Court denied certiorari in *Bourgeois v. Barr*, which clears the way for the Trump administration to resume federal executions—potentially as soon as this Monday, July 13.

In this segment of *Unboxing the Law*, Cardozo professor and capital defense attorney, Kathryn Miller, explained the rulings below, discussed possible reasons for the Court's decision to deny certiorari, and shared what the ruling could mean for the future of the death penalty generally.

Professor Kyron Huigens on *Trump v. Vance*

In this segment of *Unboxing the Law*, Cardozo professor Kyron Huigens discussed *Trump v. Vance*, the subpoena from the NY grand jury. He addressed grand jury secrecy and whether or how the financial information sought will ever see the light of day, the relevance of the states' constitutionally guaranteed power over criminal investigations and the claim of absolute immunity. Finally, he looked at Justice Roberts' opinion, which in one part reads like a sequel to "Hamilton."

Professor Felix Wu on *Barr v. AAPC*

In this talk, Professor Felix Wu discussed the Supreme Court's recent decision in *Barr v. AAPC*, striking down the government debt exception to the prohibition on robocalls in the Telephone Consumer Protection Act (TCPA). On its face, this case seems to be about an obscure corner of privacy law (albeit one that has generated a lot of litigation), but it raises deep and important issues about the relationship between privacy and the First Amendment and about political versus commercial speech. You're safe from political robocalls for now, but how long will that last? And should it?