

Spiegel Attorneys File Brief in *PHH v. CFPB*

March 31, 2017 | Jeffrey M. Bayne

Amici Separation of Powers Scholars Argue Consumer Financial Protection Bureau is Constitutionally-Structured

On March 31, Spiegel attorneys Katharine Mapes, Jessica Bell, and Jeffrey Bayne filed a brief (available at the link below) on behalf of amici curiae Separation of Powers Scholars in the D.C. Circuit's en banc rehearing of *PHH Corporation, et al. v. Consumer Financial Protection Bureau*, Case No. 15-1177. The brief's signatories are a group of distinguished professors of administrative and constitutional law who are experts in separation of powers issues: Harold Bruff, Gillian Metzger, Peter Shane, Peter Strauss, and Paul Verkuil.

A panel of three D.C. Circuit judges previously held that the Consumer Financial Protection Bureau's structure — headed by a single director who is removable by the president for cause — is unconstitutional. *PHH Corp. v. CFPB*, 839 F.3d 1 (D.C. Cir. 2016), *vacated and reh'g en banc ordered*, No. 15-1177 (D.C. Cir. Feb. 16, 2017). Separation of Powers Scholars argue to the Court, en banc, that the removal for cause provision does not impede the President's ability to perform constitutionally-mandated duties, and that the panel's decision is grounded in neither precedent nor the Constitution. Oral argument en banc is scheduled for May 24, 2017.

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