

# WEIL'S SCOTUS TERM IN REVIEW

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## Supreme Court Abolishes Judicial Deference to Agency Interpretations of Law

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Today, in a 6-3 decision written by Chief Justice Roberts, the Supreme Court in *Loper Bright Enterprises v. Raimondo* overturned the Court's decision in *Chevron v. Natural Resources Defense Council*, 467 U.S. 837 (1984), and held that agency interpretations of law are not entitled to any deference.

By overruling what is known as “*Chevron* deference,” the Court's opinion may work a substantial change in administrative law. Under the Court's longstanding opinion in *Chevron*, courts were required to defer to an agency's construction of a statute the agency administers if the statute was ambiguous and the agency's interpretation was reasonable. Today, the majority held this framework is inconsistent with the Administrative Procedure Act's requirement that “court[s] shall decide all relevant questions of law.” 5 U.S.C. § 706.

The Court concluded that “[t]he deference that *Chevron* requires of courts reviewing agency action cannot be squared with the APA,” and it rejected the notion that statutory ambiguities can be presumed to be implicit delegations by Congress to agencies. The Court explained, “[p]resumptions have their place in statutory interpretation, but only to the extent they approximate reality. *Chevron*'s presumption does not.” In cases where Congress uses a phrase like “appropriate” or “reasonable” that is inherently flexible, the court must “fix[] the boundaries of [the] delegated authority” and “ensur[e] the agency has engaged in ‘reasoned decisionmaking’ within those boundaries.” The Court further concluded that the *stare decisis* factors did not counsel against (and in fact supported) overturning *Chevron*, as *Chevron* had “proved to be fundamentally misguided” and “[e]xperience has also shown that *Chevron* is unworkable.”

Justice Thomas concurred to explain his view that *Chevron* deference violates the Constitution's separation of powers. Justice Gorsuch also separately concurred to explain why the Court's decision was consistent with *stare decisis*. Justice Kagan dissented, joined by Justice Sotomayor and Justice Jackson, arguing that as a result of the Court's decision, “[a] longstanding precedent at the crux of administrative governance ... falls victim to a bald assertion of judicial authority.”

While the Supreme Court has narrowed *Chevron* deference in recent years, the lower federal courts still invoked the decision frequently. Now that *Chevron* has been overturned, it could be easier for litigants to challenge legal determinations made by agencies, particularly in areas where the legal framework is highly complex or implicates technical questions—areas where courts have previously been eager to

defer to agency expertise. While the Court limited the scope of its decision slightly by holding that prior decisions relying on *Chevron* remain good law and that courts may still rely on agency interpretations to the extent they are persuasive (in what is known as *Skidmore* deference), the decision marks a dramatic change in administrative law going forward.

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