

The Supreme Court - April 22, 2021

Today, the Supreme Court of the United States issued the following three decisions:

AMG Capital Management, LLC v. FTC, No. 19-508: Petitioner Scott Tucker controlled a number of companies offering short-term payday loans. The Federal Trade Commission (“FTC”) brought suit, claiming that Tucker and his companies were violating the Federal Trade Commission Act by engaging in “unfair or deceptive acts or practices” – namely, that the companies’ explanation of its loan terms to customers were misleading compared to the fine print the companies enforced. The FTC sought a permanent injunction, as well as restitution and disgorgement, relying upon §13(b) of the Act, which authorizes the FTC to obtain a “permanent injunction” against “any person, partnership, or corporation” that “is violating or is about to violate, any provision of law” that the FTC enforces. The District Court found for the FTC, granting both an injunction and ordering \$1.27 billion in restitution and disgorgement. The Ninth Circuit affirmed over Tucker’s objection that §13(b) does not authorize the monetary relief that was granted. The Court today reversed, holding that the statutory language in §13(b) does not authorize the FTC to seek, or a court to award, equitable monetary relief such as restitution or disgorgement. Justice Breyer issued the Court’s unanimous opinion.

View the Court’s [decision](#).

Carr v. Saul, No. 19-1442; **Davis v. Saul**, No. 20-105: The six petitioners in these cases followed the appropriate procedures for seeking disability benefits from the Social Security Administration (“SSA”) – applying for benefits, seeking a hearing on their denial before an administrative law judge (“ALJ”), requesting review by the SSA Appeals Council, and then seeking relief in federal court. All of the petitioners’ hearings before the ALJs occurred prior to the Supreme Court’s decision in *Lucia v. SEC*, 585 U.S. ____ (2018), which held that SEC ALJs were subject to the Constitution’s Appointment Clause and had been unconstitutionally appointed. In response to *Lucia*, the SSA recognized that its ALJs had not been validly appointed pursuant to the Appointments Clause, and in response ratified the appointments on a going forward basis, and allowed for fresh

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review by a properly appointed ALJ for those who had SSA ALJ decisions pre-ratification. That fresh review by a properly appointed ALJ, however, was not available to individuals who, like the petitioners here, had failed to raise an Appointments Clause challenge in their ALJ or Appeals Council proceedings. The Eighth and Tenth Circuits here agreed with the SSA Commissioner that the petitioners had forfeited their Appointments Clause claim. Today, the Court reversed, holding that principles of issue-exhaustion do not require Social Security disability claimants to argue at the agency level that the ALJs hearing their disability claims were unconstitutionally appointed. Justice Sotomayor issued the Court's opinion, joined in full by Chief Justice Roberts, and Justices Alito, Kagan, and Kavanaugh. Justices Thomas, Gorsuch, Barrett, and Breyer joined the Court's opinion in part, and wrote or joined separate concurring opinions.

View the Court's [decision](#).

Jones v. Mississippi, No. 18-1259: Petitioner Brett Jones was convicted in a Mississippi State Court for a murder he committed when he was under 18. Under *Miller v. Alabama*, 567 U.S. 460 (2012), when an individual commits a homicide when he is under 18, he may be sentenced to life without parole, but only if the sentence is not mandatory and the sentencer thus has discretion to impose a lesser punishment. The Mississippi trial court judge in this case acknowledged his discretion under *Miller* and then sentenced Jones to life without parole. The Mississippi Court of Appeals affirmed, rejecting Jones' argument that *Miller*, along with the Court's later decision in *Montgomery v. Louisiana*, 577 U.S. 190 (2016), required the sentencing judge to also make a separate factual finding that Jones was permanently incorrigible before sentencing him to life without parole. Today, the Court affirmed, holding that a discretionary sentencing system is both constitutionally necessary and constitutionally sufficient to sentence a defendant who committed a homicide when under 18 to life without parole, and that no separate factual finding of permanent incorrigibility is required. Justice Kavanaugh issued the Court's opinion, joined by Chief Justice Roberts and Justices Alito, Gorsuch, and Barrett. Justice Thomas separately concurred in the judgment. Justice Sotomayor dissented, joined by Justices Breyer and Kagan.

View the Court's [decision](#).